

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1073 OF 2019

1. Vitthal Dagadu Patil,
Age : 62 years, Occu. Agricultural,
R/o. Pardhane, Tq. Pachora,
Dist. Jalgaon.
2. Prajaktta Sandip Patil,
Age 33 years, Occu. Service,
R/o. Pathare Wasti, Servey No. 43,
Plot No. 103, Kharadi Bypass Road,
Chandan Nagar, Pune, Dist. Pune.
3. Vijaya Vishnu Patil,
Age 62 years, Occu. Household,
R/o. Palaskhede, Tq. Jamner,
Dist. Jalgaon.
4. Sau. Anushri Mahendra Mahajan,
Age 32 years, Occu. Household,
R/o. Chhayadevi, Plot No. 9, Raka Nagar,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon.
5. Sandip Bhagwat Patil,
Age 40 years, Occu. Nil,
R/o. Medical of Sahyadri Speciality Hospital,
Near Dwarka Circle, Vadala Road, Nashik,
Dist. Aurangabad.
6. Mahendra Vitthal Patil,
Age 44 years, Occu. Service,
R/o. Presently R/o. Ethipia,
South Africa.
7. Sau. Alka Guruprasad Patil,
Age 53 years, Occu. Household,
R/o. Gujar Galli, In front of Maruti Temple,
Erondal, Tq. Erandal, Dist. Jalgaon.
8. Guruprasad Tukaram Patil,
Age 61 years, Occu. Agricultural,
R/o. Gujar Galli, In front of Maruti Temple,
Erondal, Tq. Erandal, Dist. Jalgaon.
9. Tejas Guruprasad Patil,

Age 31 years, Occu. Service,
Presently R/o. Flat No. 302,
Jimmi University Faculty Cmlex,
Jimma Twn, Cuntly Jimma, Ethia.

.. Applicants
(Original Accused)

Versus

1. The Investigation Officer,
Police Station, Pimpalgaon (Hare),
Tq. Pachora, Dist. Jalgaon.
2. Sau. Rupali Tejas Patil,
Age 27 years, Occu. Household,
R/o. C/o. Devidas Ramdas Mahajan,
R/o. Pimpalgaon (Hare), Tq. Pachora,
Dist. Jalgaon.

.. Respondents
(Respondent No.2 -
Original complainant)

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Mr. Rahul B. Temak, Advocate for the Applicants.
Mr. K. S. Patil, APP for Respondent No. 1.
Mr. Nikhil Biyani, Advocate for Respondent No.2.

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**CORAM :T.V. NALAWADE AND
K.K. SONAWANE ,JJ.**
DATE : 12th JULY, 2019.

ORAL JUDGMENT [PER T.V. NALAWADE, J] :-

1] Heard. Rule. Rule made returnable forthwith. Heard finally by consent of parties. Vakalatnama of applicant No.6 is taken on record.

2] The proceeding is filed for quashing the RCC No. 183 of 2016 arising out of Crime No. 22 of 2016 registered with Pimpalgaon (Hare) Police Station, Taluka Pachora, Dist. Jalgaon for the offence punishable under Sections 498-A, 323, 504, 506, 507, 447 r/w. 34 of IPC.

3] During the course of arguments, the learned counsel for the applicant submits that the parties have settled their dispute amicably. He further submits that during pendency of this petition, parties have obtained divorce by mutual consent in the court of Civil Judge (Senior Division), Jalgaon vide judgment and order dated 29th August, 2018. Copy of HMP Case No. 111 of 2018 is filed on record and it shows that a decree of divorce by mutual consent is given on 29.8.2018. Copy of application filed by parties under Section 13B and decree is also produced on record and it shows that the wife had agreed to withdraw all the proceedings including the proceeding under Section 498-A of IPC as there is settlement of dispute. The present applicants are husband and his relatives.

4] Even after service of notice as nobody turned up on behalf of the first informant, one Advocate was given through legal aid to the first informant and he has appeared on her behalf. In view of the circumstances, this court holds that relief needs to be given. In the result, the application is allowed. Relief is granted in terms of prayer clause (A). Rule is made absolute in those terms. No orders as to costs. Fees of the appointed counsel are quantified at Rs. 3,000/- to be paid through the High Court Legal Services, Sub-committee, Aurangabad.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE