

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 1604 OF 2019

1. Mahendra s/o Ashok Patil,
Age 34 years, Occu. Service,
2. Ashok s/o Shankar Patil,
Age 63 years, Occu.
3. Sau. Pushpabai Ashok Patil,
Age 58 years, Occu.
4. Sau. Rina Ravindra Patil,
Age 38 years, Occu. Household,
5. Ravindra Mango Patil,
Age 43 yeas, Occu. Service,

Nos.1 to 3 R/o Plot No.22,
Behind Pratap College,
Amalner, District Jalgaon.

Nos.4 & 5 R/o Malkapur,
Taluka and Dist. Buldhana.

6. Uttam Mango Patil,
Age years, Occu.
R/o Tade Brahmane
Tq. Erandol, Dist. Jalgaon.
7. Arjun Shankar Patil,
Age years, Occu.
R/o Bohra, Tq. Amalner,
Dist. Jalgaon.
8. Anil Bhimrao Patil,
Age years, Occu.
R/o as above.

9. Chabilal Shankar Patil,
Age years, Occu.
R/o as above.
10. Bhimrao Shankar Patil,
Age years, Occu.
R/o as above.
11. Sanjay Madhavrao Patil,
Age years, Occu.
R/o as above.

... APPLICANTS

(Original Accused Nos.1 & 5 to 14)

VERSUS

1. The State of Maharashtra.
2. Sau. Jayabai Mahendra Patil,
Age 31 years, Occu. Household,
R/o C/o Pandurang Pitambar Wagh,
R/o Daviwad, Taluka Chalisgaon,
District Jalgaon.

... RESPONDENTS

(No.2 Orig. Complainant)

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Mr. Hemantkumar F. Pawar, Advocate for Applicants.

Mr. M. M. Nerlikar, APP for Respondent No.1 / State.

Mr. U. S. Patil, Advocate for Respondent No.2

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CORAM : **T. V. NALAWADE &
K. K. SONAWANE, JJ.**

DATE : 25th July, 2019.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 The proceeding is filed for relief of quashing of proceeding of R.C.C. No.107 of 2012, pending in the Court of learned Judicial Magistrate First Class, Chalisgaon arising out of FIR No.132 of 2011, registered with Mehunbare Police Station, Taluka Chalisgaon, District Jalgaon, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code. The report was given by Respondent No.2, who is wife of Applicant No.1. Other Applicants are relatives of the husband.

3 During arguments, the learned counsel for Applicants submitted, on instructions, that the parties have settled the dispute. He drew the attention of this Court to a copy of decree given in the proceeding filed under Section 13-B of the Hindu Marriage Act, 1955 for divorce by mutual consent. This record shows that on 20th April, 2016, divorce came to be given in that proceeding. Present FIR was given on 18th December, 2011.

4 Mr. U. S. Patil, learned counsel for first informant submitted in the present proceeding that he had instructions to file *Vakalatnama* for first informant. As *Vakalatnama* was not filed, on two to three occasions, the matter was adjourned. Mr. U. S. Patil, learned counsel, today, submitted that his client had contacted him on phone and he was instructed to file appearance, but the client did not turn up to give *Vakalatnama*. In view of these circumstances, this Court holds that relief needs to be granted to the Applicants. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[K. K. SONAWANE, J.]

[T. V. NALAWADE, J.]