

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1605 OF 2019

Umesh Arjun Chavan,
Age 27 years, Occu. Service,
R/o A-102, Ganesh Krupa Housing Society,
Dutta Mandir Road, Samelpada,
Nallasopara West, Tq. Vasai,
Dist. Palghar.

... **Applicant.**

Versus

1. The State of Maharashtra.
2. Bali @ Vaishnavi W/o Umesh Chavan,
Age 23 years, Occu. Household,
R/o At Post Tambola, Tq. Lonar,
District Buldhana.

... **Respondents.**

WITH

CRIMINAL APPLICATION NO.61 OF 2019

1. Arjun S/o Kukaji Chavan,
Age 48 years, Occ. Service,
2. Kalawati W/o Arjun Chavan,
Age 46 years, Occ. Household,
3. Vikas S/o Arjun Chavan,
Age 24 years, Occu. Education,
4. Ku. Surekha D/o Arjun Chavan,
Age 30 years, Occu. Service,

All R/o A-102, Ganesh Krupa Housing Society,
Dutta Mandir Road, Samelpada,
Nallasopara West, Tal. Vasai,
District Palghar.

... **Applicants.**

Versus

1. The State of Maharashtra.
2. Bali @ Vaishnavi W/o Umesh Chavan,
Age 22 years, Occu. Household,
C/o- Gopichand Kashiram Chavan,
R/o Flat No.1, Varad Plaza,
Malhar Chowk, Garkheda Parisar,
Aurangabad,
Tal. & Dist. Aurangabad. ... **Respondents.**

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Mr. N.R.Shaikh, Advocate for Applicants.
Mr. S.B.Joshi, APP for Respondent-State.
Mr. N.B.Narwade, Advocate for Respondent No.2.

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**CORAM : T.V.NALAWADE AND
MANGESH S. PATIL, JJ.**

DATE : 2nd May, 2019

ORAL JUDGMENT (PER T.V.NALAWADE J.) :-

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.
2. In proceeding No.1605 of 2019, notice for final disposal was given. It is waived by the learned APP and the learned counsel Mr. N.B.Narwade for respondent the first informant. Both the proceedings are heard for final disposal as they involve the same crime.
3. The proceeding No.1605 of 2019 is filed by the husband of the first informant and the other proceeding is filed by relatives of the husband. They are in respect of Crime

No.266 of 2018 registered with Pundalik Nagar Police Station, Aurangabad for the offences punishable under Section 498-A, 313, 406, 323, 506 read with Section 34 of IPC. This Court has carefully gone through the nature of allegations made in the FIR. The submissions made and the reply affidavits filed by the wife and joint compromise pursis filed by them show that they have settled the dispute and they have got divorced by mutual consent. This Court is not going through the details of the compromise. As it is the matrimonial dispute and the parties have settled the dispute and the first informant has no intention to give evidence against the husband and relatives if the case is filed against them in aforesaid crime, this Court holds that nothing can be achieved by directing the applicants to fetch the trial for the aforesaid offences if the case is filed.

4. In the result, both the applications are allowed. Relief is granted in both the proceedings in terms of prayer clause-A. Rule is made absolute in both the proceedings.

(MANGESH S. PATIL, J.)

(T.V.NALAWADE, J.)

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vmk/-