

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

Criminal Writ Petition No.1582 of 2018

- 1) Rameshwari d/o Shridar Tarange,
Age 28 years,
Occupation : Household,
R/o Vijaynagar, Garkheda Parisar,
Aurangabad,
Taluka and District Aurangabad.
- 2) Shashikant s/o Kisanrao Sonwane,
Age 43 years,
Occupation: Service,
R/o Anandnagar,
Aurangabad Road, Nandgaon,
Taluka Nandgaon, Dist Nashik.
- 3) Reshma w/o Vikram Gaikwad,
Age 20 years,
Occupation Household,
R/o Bhoiwada, Mill Corner,
Aurangabad,
Taluka & District Aurangabad.
- 4) Uday s/o Shridar Tarange,
Age 35 years,
Occupation: Labour,
R/o Bharatnagar, Pundliknagar,
Garkheda Parisar, Aurangabad.
- 5) Shaikh Mohd. Sohel Mohd. Jahir,
Age 30 years,
Occupation: Labour,
R/o Ganesh Colony, CIDCO,
Aurangabad,
Taluka & District Aurangabad. .. **Petitioners.**

Versus

- 1) The State of Maharashtra.
Through Police Station,
Ambad, District Jalna.
- 2) Prakash s/o Vishnu Dound,
Age 35 years,
Occupation: Business,
R/o Indani Colony,
Pachod Road, Ambad,
Taluka Ambad, Dist Jalna. .. **Respondents.**

Shri. K.R. Doke and S.K. Doke, Advocates, for petitioners.

Smt. V.N. Jadhav-Patil, Additional Public Prosecutor, for
respondent No.1.

Shri. R.S. Deshmukh, Advocate, for respondent No.2.

With

Criminal Application No.1764 of 2018

- 1) Prakash s/o Vishnu Daund,
Age 32 years,
Occupation: Business,
R/o Ambad, Taluka Ambad,
District Jalna.
- 2) Ranjana Prakash Daund,
Age 27 years,
Occupation: Household,
R/o Ambad, Taluka Ambad,
District Jalna. ... **Applicants.**

Versus

- 1) The State of Maharashtra,
Through Police Station.

- 2) Rameshwari Shridhar Tarange,
@ Rameshwari Prakash Daund
Age 25 years,
Occupation: Household,
R/o Shivaji Putala,
Gajanan Nagar,
Garkheda, Aurangabad. ... **Respondents.**

Shri. R.S. Deshmukh, Advocate, for the applicants.

Smt. V.N. Jadhav-Patil, Additional Public Prosecutor, for
respondent No.1.

Shri. K.R. Doke and S.K. Doke, Advocates, for respondent
No.2.

**Coram: T.V. NALAWADE &
R.G. AVACHAT, JJ.**

Date: 6 SEPTEMBER 2019

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

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

2) The first proceeding is filed for the relief of
quashing of F.I.R. No.131/2018 registered with Ambad
Police Station, District Jalna for offences punishable under
sections 315, 420, 467, 494, 34 etc. of the Indian Penal
Code. Relief is also claimed for quashing of the charge
sheet filed in that crime for the similar offences. The First

Information Report is given by respondent No.2. He has made allegations mainly against petitioner No.1 that she deceived him. It appears that she was deserted by her husband then the informant came in contact with her. They started living as husband and wife. Some property was also given to petitioner No.1. Then there was some dispute as the informant felt that petitioner No.1 had suffered abortion and his consent was not obtained. Prior to giving of the present report, petitioner No.1 gave report against respondent No.2 and on that basis crime was registered for offence punishable under section 376 read with 34 of the Indian Penal Code against the respondent of the first proceeding and 4 other persons.

3) In the second proceeding relief is claimed for quashing of F.I.R. No.148/2018 registered in Pundliknagar Police Station for offence punishable under sections 376 and other offences. In this matter respondent No.2 has made allegation against petitioner No.1 of this matter that he exploited her sexually by misusing the circumstance that she was deserted by her husband in the year 2012.

4) During arguments learned counsel for the informants from both the proceedings submitted that the parties have settled the dispute and they do not want to give evidence against each other. Respondent No.2 from the second proceeding has given no objection for quashing of the entire first information report. Proceeding is filed by only two persons like Prakash and his wife but in the F.I.R. more persons are mentioned as accused by the respondent No.2 of that proceeding.

5) Considering the nature of the dispute and the circumstances that they have settled the dispute, this Court holds that relief needs to be given. However the circumstances mentioned above show that they consumed time of everybody including the court and police. In view of the nature of the conduct of the two informants this Court holds that both the informants need to be made to pay Rs.25,000/- each for getting the relief.

6) So, both the proceedings are allowed. In Writ petition relief is granted in terms of prayer clause (B) subject to deposit of cost of Rs.25,000/- in that matter by

the petitioners and particularly petitioner No.1. The entire F.I.R. is quashed. Criminal Application No.1764/2018 is allowed and the relief is granted in that proceeding in terms of prayer clause (C) subject to deposit of cost of Rs.25,000/- by the applicant No.1 of that proceeding. The cost amount needs to be deposited within three weeks in this Court in the account of High Court Legal Services Sub Committee Aurangabad. Only after deposit of the cost amount by both the informants it is to be presumed that the relief in both the proceedings is granted. Rule is made absolute in both the proceedings in those terms.

Sd/-
(R.G. AVACHAT, J.)

Sd/-
(T.V. NALAWADE, J.)

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