

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 CRIMINAL WRIT PETITION NO. 75 OF 2021

Rafique S/o Akbar Ali Shaikh,
 Age : 33 years, Occ: Private Service,
 R/o: 404, Building No. 34,
 New Laxmi Avenue-D
 Near Agrawal Life Style,
 Global City, Virar (W),
 Dist. Palghar

....PETITIONER

V E R S U S

1. The State of Maharashtra,
 Through Police Inspector,
 City Chowk Police Station,
 Aurangabad.
2. Sana W/o Rafique Shaikh,
 Age : 26 years, Occ: Private Job,
 R/o : Infront of Sami Cut-Piece Centre,
 City Chowk, Aurangabad.

... RESPONDENTS

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Mr. Saeed S Shaikh, Advocate for petitioner
 Mr. G.O. Wattamwar, APP for respondent No. 1
 Mr. M.H. Shaikh, Advocate for respondent No. 2.

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**CORAM : T. V. NALAWADE AND
 M. G. SEWLIKAR, JJ.**

DATE : 24th FEBRUARY, 2021

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

1. Rule. Rule made returnable forthwith. By consent, heard learned counsel for the parties for final disposal at the admission stage.

2. Present proceeding is filed for relief of quashing of Regular Criminal Case No. 2542 of 2019, presently pending in the Court of Judicial Magistrate, First Class, Aurangabad. It is a Police Case. Crime is registered on the basis of report given by respondent No. 2, informant.

The petitioner is husband of respondent No. 2. Crime is registered for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code. During arguments, learned counsels for the petitioner and respondent No. 2 submitted that parties have settled the dispute. Respondent No. 2 - informant is identified by learned counsel Mr. Shaikh. The affidavit to that effect of respondent No.2 is on record. She has given no objection for giving aforesaid relief. Respondent No. 2 has no intention to give evidence against the petitioner. In view of nature of dispute, this Court holds that relief needs to be granted. Nothing can be achieved by asking the petitioner to face the criminal case for aforesaid offences.

3. In the result, Criminal Writ Petition is allowed. Relief is granted in terms of prayer clause "B". Rule is made absolute in those terms.

[M. G. SEWLIKAR]
JUDGE

[T. V. NALAWADE]
JUDGE

MTK