

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

CRIMINAL APPLICATION NO.2100 OF 2020

**DEEPAK SURESHKUMAR TIBREWALA AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Shri V. A. Bagdiya
APP for Respondent No.1 : Shri G. O. Wattamwar
Advocate for Respondent No.2 : Shri R. P. Mote

...

WITH

CRIMINAL APPLICATION NO.2146 OF 2020

**PRERNA D/O RAMGOPAL KEDIA
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Shri R. P. Mote
APP for Respondent No.1 : Shri A. S. Shinde
Advocate for Respondent No.2 : Shri V. A. Bagadiya

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**CORAM : T. V. NALAWADE &
B. U. DEBADWAR, JJ.**

DATE : 22nd JANUARY, 2021

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

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.
2. Criminal Application No. 2100 of 2020 is filed for relief of quashing of FIR bearing Crime No. 96 of 2017 registered with Mukundwadi Police Station, Aurangabad, for the offences

punishable under Sections 498A, 323, 504, 506, read with Section 34 of the Indian Penal Code. Regular Criminal Case No.1643 of 2017 is filed in this crime for the same offences. The crime was registered on the basis of report given by respondent No.2 of this matter who is wife of applicant No.1 Deepak of this proceeding. Applicant No.2 is the mother of Deepak and applicant No.3 is the sister of Deepak.

4. Criminal Application No. 2146 of 2020 is filed for relief of quashing of Crime No. 100 of 2018 registered with Pundlik Nagar Police Station for the offences punishable under Sections 66-C, 66-E and 67-A of the Information and Technology Act, 2000 and Sections 500 and 506 of the I.P.C. Regular Criminal Case No. 672 of 2019 is filed for this crime for the same offences and this crime was registered on the basis of report given by respondent No.2 – Deepak of this Proceeding.

5. This Court has carefully gone through both the FIRs. It is a matrimonial dispute. In view of nature of allegation and the circumstance that both the informants, husband and wife, has settled the dispute and they have decided not to give evidence against each other, and to that effect, affidavits are filed in both the proceedings, this Court holds that nothing can be achieved by asking the parties to face trial for aforesaid offences.

6. In view of the above, we pass the following order :-

O R D E R

1. Both the criminal applications are allowed.
2. In Criminal Application No.2100 of 2020, relief is granted in terms of prayer clause 'B'.
3. In Criminal Application No.2146 of 2020, relief is granted in terms of prayer clause 'B'.
4. Rule is made absolute in those terms.

(B. U. DEBADWAR, J.)

(T. V. NALAWADE, J.)