

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

**951 CRIMINAL APPLICATION NO.2289 OF 2020
WITH
CRIMINAL APPLICATION NO. 1259 OF 2020**

Sheshrao Kisan Pawar

Age: 44 years, Occupation: Agriculture,
R/o. Badech Layout, Near H.P Gas Godown,
Buldhana, Tq. & Dist. Buldhana.

... Applicant

VERSUS

1. The State of Maharashtra
Through Police Station M.I.D.C. Jalgaon,
Dist. Jalgaon.

2. Rani Bharastsing Patil
Age: 40 years, Occupation: Household,
R/o. Behind Samajshastra Temple,
Kusumba, Tq. & Dist. Jalgaon.

... Respondents

...

Mr. Krushna S. Solanke h/f Mr. S. J. Salunke, Advocate for the Applicants
Mr. S. J. Salgare, APP for Respondent No.1/State

...

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

DATE : 04.02.2021

ORAL JUDGMENT :

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

2. The main proceeding is filed for relief of quashing of Crime No.828 of 2020 registered with M.I.D.C. Jalgaon Police Station, District Jalgaon for the offences punishable under Sections 354, 452, 294, 506 and 510 of the Indian Penal Code. Relief is also claimed for quashing of charge-sheet filed in this case and the case is given number as R.C.C No.843 of 2020 and it is pending in the Court of J.M.F.C. Jalgaon. The other proceeding is filed in the main proceeding for giving permission to settle the matter and disposed of the main matter in terms of settlement.

3. During the course of argument, learned counsel for the applicant and respondent no.2 submitted that it was a dispute between husband and wife and the present informant is the mother of the wife and due to some misconception, the report was given. It is submitted that the parties have now settled the dispute and the wife has returned back to the matrimonial house for co-habitation. The informant has given no objection to give the relief claimed.

4. Learned APP produced on record a communication made by P.I. of M.I.D.C. Police Station, Jalgaon. It shows that in addition to present crime, two more crimes were registered against the present applicant like Crime No.265 of 2008 registered with Buldhana Police Station for offence punishable under Sections 323, 337 and 341 of IPC and Crime No.169 of 2009 registered with Buldhana Police Station for

offence punishable under Sections 307, 324, 147, 148 and 149 of IPC. It is submitted that in view of the bad antecedents of the applicant, the relief may not be given.

5. The aforesaid antecedents are not in respect of the family affairs and the present matter has arisen out of family affairs. They have now settled the dispute which was between husband and wife and in view of that circumstance this Court holds that it is not desirable to ask the applicant to face the trial for the present offence. In the result, the following order:

ORDER

- a) Both Applications are allowed.
- b) In Criminal Application No.1259 of 2020, relief is granted in terms of prayer clause C-2, subject to payment of cost of Rs.10,000/- by the applicant to the State Government. The said amount is to be deposited within 30 days from today. If the said amount is not deposited, it is to be treated that both the applications are dismissed.
- c) Rule made absolute in those terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)