

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

**CRIMINAL APPLICATION NO.4033 OF 2019**

Dr. Usha w/o. Sunil Maheshwari,  
Age 54 years, Occu. Doctor,  
R/o. Arjun Co-op. Housing Society,  
Vadavali Section Ashwini Hospital,  
Ambarnath (E), Thane. .. Applicant

**Versus**

1. The State of Maharashtra
2. Sharda w/o. Mahesh More,  
Age 33 years, Occu. Household,  
C/o. Nimba Shivram Baviskar,  
R/o. Pilkhod, Taluka Chalisgaon,  
District Jalgaon. .. Respondents

...

Mr. N. T. Tribhuvan, Advocate holding for Mr. S. S. Dambe,  
Advocate for applicant  
Mr. Y. G. Gujrathi, APP for respondent no.1 – State  
Mr. S. S. Panale, Advocate for respondent no.2

...  
**CORAM : SUNIL P. DESHMUKH  
AND  
NITIN B. SURYAWANSHI, JJ.**

**DATE : 8<sup>th</sup> SEPTEMBER, 2021**

**PER COURT :**

By this application, applicant seeks relief of quashing of first information report (FIR) bearing crime no. I-62 of 2017 registered with Mehunbare Police Station, District Jalgaon and criminal case bearing RCC no. 56 of 2018 pending in the court of Judicial Magistrate, First Class, Chalisgaon, District Jalgaon, for the offences punishable under Sections 313, 323, 498-A, 504 and 506 read with Section 34 and Section 120-B of the Indian Penal Code (IPC).

2. The FIR was registered at the instance of respondent no. 2 - wife against the husband and his relatives alleging commission of offence punishable under Sections 498-A and other offences. The present applicant being Doctor, allegation levelled against her is that abortion of informant was forcibly done by the applicant.

3. We have perused copies of FIR and chargesheet. On perusal of it, in our opinion, no case is made out to array the present applicant as an accused and there is no material to substantiate the charge under Section 313 of IPC against her.

4. Apart from that, respondent no. 2 wife and the husband have arrived at compromise and the said fact is affirmed by respondent no.2 by filing affidavit. Pursuant to amicable settlement of matrimonial dispute, respondent no.2 and her husband have filed Hindu Marriage Petition No. 45 of 2020 under section 13B of the Hindu Marriage Act, 1955, seeking divorce by mutual consent. In the said petition, compromise is recorded and respondent no.2 has agreed to withdraw the case registered by way of present FIR.

5. In the light of that, we, therefore, allow the application and quash and set aside proceeding of FIR bearing crime no. I-62 of 2017 registered with Mehunbare Police Station, District Jalgaon and criminal case bearing RCC no. 56 of 2018 pending in the court of Judicial Magistrate, First Class, Chalisgaon, District Jalgaon, to the extent of applicant.

**[ NITIN B. SURYAWANSHI ]**  
**JUDGE**

**[ SUNIL P. DESHMUKH ]**  
**JUDGE**