

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

49 CRIMINAL APPLICATION NO.122 OF 2022

MAHEBOOBKHA SHAHANOORKHA PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shejwal Arun S
APP for Respondents : Mr. s d GHAYAL
Advocate for Respondent 2 : Ms. Thakur Laxmi R.

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CORAM: SARANG V. KOTWAL & BHARAT P. DESHPANDE, JJ.
Dated : June 13, 2022

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PER COURT :-

1. This is an application for quashing of the proceedings pending vide RCC No.402 of 2015 for offence punishable under sections 354, 354-B, 452, 323, 506 of the Indian Penal Code arising out of C.R.n. 130 of 2015 dated 19.7.2015 registered with police station Pachod, District Aurangabad. The application is not on merits but on the ground of settlement between the parties.

2. We have perused the FIR. The incident is dated 12.7.2015. The incident is described in the FIR. It is not necessary to go into the details of the FIR. Suffice it

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to say that, the offence under section 354 is made out, however, both the learned counsel appearing for the parties as well as learned APP invited our attention to the consent affidavit. Consent affidavit is verified before the officer of this Court. It is mentioned by the respondent no.2-first informant that she is a close relative of the applicant. There were some domestic issues between herself, her husband and the applicant. Those were settled through intervention of elderly members of the family and respectable persons in the village; and, therefore, there was no grievance remained any more. She has categorically given her consent to allow quashing of the proceedings.

3. It appears that the parties are related and no further purpose will be served by continuing the proceedings since the respondent is not willing to depose against the applicant in view of the settlement.

4. Considering this background, application is allowed in terms of prayer clause "B" and proceedings pending before the Judicial Magistrate First Class,

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Paithan vide RCC No.402 of 2015 are quashed and set aside.

5. Application is disposed off.

(BHARAT P. DESHPANDE, J.) (SARANG V. KOTWAL , J.)

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