

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

CRIMINAL APPLICATION NO. 1437 OF 2022

01 Mayuresh Balasaheb Kandalkar,
age: 30 years, Occ: Business,
R/o Sant Savata Mandir Bajarpeth,
Songaon, Taluka Rahuri,
District Ahmednagar.

02 Hemlata Balasaheb Kandalkar,
age: 65 years, Occ: Household,
R/o Sant Savata Mandir Bajarpeth,
Songaon, Taluka Rahuri,
District Ahmednagar.

03 Ganesh Balasaheb Kandalkar,
age: 32 years, Occ: Business,
R/o Ambedkar Chowk, Near
Sai Sweet Home, Songaon,
Taluka Rahuri, Dist. Ahmednagar.

04 Swati Rakesh Kolapkar,
age: 32 years, Occ: Household,
R/o Mhaswad, Tal. & District
Satara.

05 Varsha Vishal Dambir,
age: 32 years, Occ: Household,
R/o Gurukrupa Nivas, Main Road,
Ward No.5, Shrirampur,
District Ahmednagar.

06 Vishal Sudhir Dambir,
age: major, Occ: Business,
R/o Gurukrupa Nivas, Main
Road, Ward No.5, Shrirampur,
District Ahmednagar.

07 Ratnakar Subhash Kokil,
age: major, Occ: Service,
R/o Varun-F-204, DSK Vishwa
Sinhagad Road, Dayari, Pune,

Pune City, Vadgaon Budruk,
Pune.

Applicants

Versus

01 The State of Maharashtra

02 The Police Station Officer,
Raver Taluka Police Station,
Tal. Raver, District Jalgaon.

03 Arati Mayuresh Kandalkar,
age: 23 years, Occ: Business,
R/o C/o Pankaj Chabildas
Kasar, Naik Colony at Raver,
Tal. Raver, District Jalgaon.

Respondents

Ms. Suvarna M. Zaware, advocate for the applicants
Mr. S. S. Dande, APP for Respondent No.1-State.
Mrs. Kavita S. Bhale, advocate for Respondent No.2.

**CORAM : V. M. DESHPANDE AND
SANDIPKUMAR C. MORE, JJ.**

DATE: 21st April, 2022.

ORAL JUDGMENT (Per V. M. Deshpande, J.) :

1 Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 Heard Ms. S. M. Zaware, learned Counsel for the applicants, Shri S. S. Dande, learned A. P. P. for Respondents No.1 & 2 and Mrs. K. S. Bhale, learned Counsel for Respondent No.3, who is personally present in this Court.

3 The applicants, who are husband and in-laws of Respondent No.3, have approached to this Court by filing present application under Section 482 of the Code of Criminal Procedure for quashing the First Information Report vide Cr. No. 24 dated 25.01.2022 registered with Raver Police Station, Raver, District Jalgaon, for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

4 It is the submission of the learned Counsel for the applicants that during pendency of present application, the applicants and Respondent No.3 have amicably settled their dispute and applicant no.1 and Respondent No.3 have decided to end their matrimony. Respondent No.3 is personally present in the Court. During the course of hearing, through her advocate, Respondent No.3 has filed affidavit, which is taken on record and marked Exhibit "X" for identification.

5 In view of the compromise in between the applicants and Respondent No.3 to end the matrimony, in our view the law laid down by the Hon'ble Apex Court in the case of **Madan Mohan Abbot Vs. State of Punjab**, (2008) 4 SCC 582, is squarely

applicable to this particular case.

6 In this view of the matter, we pass the following order:

(i) Criminal Application is allowed.

(ii) The First Information Report bearing Cr. No. 24/2022 dated 25.01.2022, registered with Raver Police Station, Raver, District Jalgaon, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

(iii) No costs.

(SANDIPKUMAR C. MORE)
JUDGE

(V. M. DESHPANDE)
JUDGE

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