

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

CRIMINAL APPLICATION NO. 2097 OF 2022

RAMESHWAR DINKAR SAKHARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Thorat Nanabhau R
APP for Respondent No.1/State : Mr. R. D. Sanap

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**CORAM : SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE : 20th JULY 2022.

Per Court :

1. This is an application for quashing of the proceedings vide R.C.C. No. 15/2022 pending before the Judicial Magistrate First Class Wadawani, District Beed for the offences punishable under Sections 323, 498-A, 504, 506 read with 34 of the Indian Penal Code (I.P.C. for short).
2. Heard learned Counsel for the parties.

3. The FIR is lodged by the Respondent No.2. It is not necessary to go into the details of the FIR, because the parties have settled the matter and this application is preferred on the ground of settlement between the parties. Suffice it to say that the F.I.R. mentions that there were certain acts which amounted to commission of offence under Section 498-A and other offences of I.P.C. The charge-sheet contains statements of Informants' parents, uncles and other relatives. The allegations in those statements are similar to the allegations in the FIR. The Respondent No.2 has filed affidavit-in-reply. The Respondent No.2 is present in the Court and she is identified by her Advocate on record. Her Aadhar Card is verified for her identification.

4. In this affidavit-in-reply, she has stated that the parties have decided to settle all civil and criminal proceedings between them. It is mentioned that it was not possible to reside together and therefore they had decided to take divorce by mutual consent and an application is filed before the appropriate Civil Court. In Paragraph No.5, she has stated that she has no grievance anymore against the Applicant No.1, who is her husband. She has categorically stated that she has no

objection for quashing of the proceedings. She has specifically mentioned that she has no objection if the proceedings related to CR No. 203/2021 registered with Wadawani Police Station, Dist. Beed is quashed.

5. The Applicant No.1 is the husband of Respondent No.2 as mentioned earlier. The Applicant No.2 is his mother, whereas the Applicant No.3 is his maternal uncle, Applicant No.4 is his maternal grand-father, Applicant No.5 is his brother and Applicant No.6 is his sister. The dispute between the parties is matrimonial and therefore based on ratio of the judgment of the Hon'ble Supreme Court in the case of **Gian Singh Vs. State of Punjab and Anr.**, as reported in (2012)10 SCC 303, there is no impediment for quashing the proceedings and the Respondent has no objection for the same as mentioned. Hence, the following order is passed.

ORDER

- (i) The Criminal Application is allowed in terms of prayer clause 'B'.

(ii) The proceedings vide R.C.C. No. 15/2022 pending before the Judicial Magistrate First Class Wadawani, District Beed arising out of CR No. 203/2021 registered with Wadawani Police Station, are quashed and set aside.

(iii) The Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeeb...