

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

919 CRIMINAL APPLICATION NO.2150 OF 2022

1. Suraj s/o Meghraj Jivnani
2. Hemant s/o Meghraj Jivnani
3. Smt. Roma w/o Meghraj Jivnani
4. Meghraj s/o Chelaram Jivnani
5. Smt. Geetika w/o Vinay Gehi
6. Vinay s/o Rana Gehi

Versus

The State of Maharashtra and others.

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Advocate for Applicants : Mr. Amol R. Gaikwad h/f  
Mr. Aniruddha S. Pathak and Mr. Vikas S. Giri  
APP for Respondent Nos. 1 & 2 : Mr. S. J. Salgare  
Advocate for Respondent No.3 : Mr. N. S. Salunke  
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**CORAM : SARANG V. KOTWAL AND  
BHARAT P. DESHPANDE, JJ.  
DATED : 8<sup>th</sup> JULY 2022**

**PER COURT:-**

1. This is an application for quashing of the Criminal proceeding pending before the learned Chief Judicial Magistrate, Aurangabad vide R.C.C. No. 2805 of 2021 arising out of C.R. No. 199 of 2021 registered at Vedantnagar police station, Aurangabad for the offences punishable under Sections 498-A, 504, 506, 323 r.w. 34 of I.P.C.
2. This application is filed for quashing of the proceedings only on the ground of settlement between the parties. Respondent No.3 is the original first informant. She had lodged the complaint against all

the applicants. The applicant No.1 Suraj is her husband, applicant No.2 is Suraj's brother, applicant No.3 is his mother, applicant No.4 is his father, applicant No.5 is his married sister and applicant No.6 is husband of applicant No.5.

3. In view of the settlement between the parties, it is not necessary to reproduce the contents of the F.I.R. because it may add bitterness between the parties when the matter is already settled between them. Suffice it to say that there are allegations of commission of offence punishable under Section 498-A of IPC. Different instances of harassment and demands are mentioned and different roles are attributed to the applicants.

4. Heard learned counsel for the parties.

5. Respondent No.3 has filed affidavit-in-reply giving her consent for quashing of this proceeding. She has stated in para 3 that, respondent No.3 and her husband i.e. applicant No.1 have amicably settled the family dispute outside the Court. They have filed petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 before the Family Court, Aurangabad and it is pending for adjudication. In para 4 of the affidavit-in-reply, she has stated that she does not want to prosecute the proceedings filed against each other in the courts of law and she does not want to pursue the case filed against the applicants which is the subject

matter of this petition. She has stated that she has no grievance if the present criminal application is allowed.

6. In view of this clear affidavit and taking into account the ratio laid by the Hon'ble Supreme Court in the case of ***Gian Singh vs. State of Punjab and others***, reported in **2012 (10) SCC 303**, the proceedings can be quashed. Hence the following order:-

### **O R D E R**

- I. The application is allowed in terms of prayer clause "A".
- II. The proceeding arising out of R.C.C No 2805 of 2021 pending before the Chief Judicial Magistrate, Aurangabad are quashed and set aside.
- III. Criminal application is disposed of.

**(BHARAT P. DESHPANDE, J.)**

**(SARANG V. KOTWAL, J.)**

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