

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

935 CRIMINAL APPLICATION NO.1769 OF 2020

UDDHAV S/O. PANDHARINATH KAMBLE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Gore Ravindra Vitthal

APP for Respondent 1 : Mr. M M Nerlikar

Advocate for Respondent 2 : Ms. Naseembanu Deshmukh h/f  
Patil Milind Madhukar

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

Dated : July 07, 2022

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**PER COURT :-**

1. This is an application for quashing of the proceedings i.e. RCC No.649 of 2020 pending before the Judicial Magistrate First Class, Nilanga, District Latur arising out of C.R.No.121 of 2020 dated 20.5.2020 registered with Kasar Shirshi Police Station, Tq. Nilanga, District Latur for the offence punishable under sections 498-A, 494, 323, 504, 506, 34 of the Indian Penal Code.

2. Heard Mr. Gore, learned counsel for the applicants, Mr. Nerlikar, learned APP for the respondent no.1 State and learned counsel Ms. Deshmukh holding

the brief for Advocate Mr. Milind Patil for respondent no.2.

3. The F.I.R is lodged by respondent no.2. She has stated that, she got married with her husband Shahuraj Kamble on 27.5.2016. Thereafter, she has mentioned various instances and the manner in which she was harassed. It is not necessary to describe the entire allegations in the FIR in detail because the parties have settled the matter. Suffice it to say that, the harassment was in reference to offence punishable under section 498-A of IPC. There are also allegations of commission of offence under section 494 of IPC. However, that allegation can stand only against husband of the informant, who is not an applicant before this Court. All other accused who are the applicants before us are either near or distant relatives of the husband. There are general allegations. These are vague and omnibus allegations.

aaa/-

4. The respondent no.2/informant has filed affidavit-in-reply. She has stated that, she has realized that matrimonial ties with her husband are not sustainable and there is no point in spending the entire life in contesting the Court proceedings. Her husband was desperately willing to live married life with another lady. In view of that, the informant had agreed to file HMP no.45 of 2022 before the Civil Judge S.D. Nilanga. The husband had agreed to make notional arrangement as alimony of Rs.6.50 Lakh. She has stated in paragraph no.4 that, she has no objection for quashing the proceedings against all accused that is the subject matter of the criminal application.

5. In view of this affidavit-in-reply, the application can be allowed and the proceedings can be quashed subject to the husband making payment of Rs.6,50,000/- as mentioned in paragraph no.2 of the affidavit-in-reply. Learned counsel for the applicants is agreeable to this condition. Hence, the following order.

aaa/-

**ORDER**

- i. The proceedings vide RCC No.649 of 2020 pending before the Judicial Magistrate First Class, Nilanga, District Latur arising out of C.R.No.121 of 2020 dated 20.5.2020 registered with Kasar Shirshi Police Station, Tq. Nilanga, District Latur are hereby quashed and set aside against the applicants subject to the husband of respondent no.2 making payment of Rs.6,50,000/- (Rs. Six Lakhs Fifty Thousand) as mentioned in paragraph no.2 of the affidavit-in-reply. This condition is in addition to any other right that the respondent no.2 may have.
2. With these observations, the application is disposed off.

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

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