

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 CRIMINAL WRIT PETITION NO. 852 OF 2021

YUNUS ALI S/O. MEHRAJ ALI SYED AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. Taher Ali Quadri
APP for Respondent-State : Mr. M. M. Nerlikar
Advocate for Respondent No.2 : Mr. Uday D. Dalvi

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 30 NOVEMBER 2022

PER COURT :-

1. Leave to amend prayer clause "B". Amendment to be carried out forthwith.
2. Petitioners are the original accused nos. 1 to 7, who have been arraigned in FIR vide C.R. No. 51 of 2021 dated 22.04.2021 registered at the behest of respondent no.2 with Faizpur Police Station, District Jalgaon for the offences punishable under Sections 323, 406, 498-A, 504, 506 r/w 34 of the Indian Penal Code. The present petition has been filed invoking the constitutional powers of this Court under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure (Cr.P.C.).

3. After the notice was issued to respondent no.2, she has appeared and filed her affidavit-in-reply. It could be seen from her affidavit-in-reply that after filing of the FIR, compromise has taken place and respondent no.2 has resumed cohabitation with petitioner no.1. She has no objection for quashing the FIR.

4. Learned APP submits that charge-sheet was also filed long back i.e. vide R.C.C. No. 253 of 2021 pending before learned Judicial Magistrate, First Class, Yawal, District Jalgaon.

5. In view of the fact that the matrimonial dispute has been amicably settled and the informant wife has resumed cohabitation with the husband, we take this case as the appropriate case where we can exercise our constitutional as well as inherent powers. Hence the following order:

ORDER

I. The criminal writ petition is allowed and disposed off.

II. The FIR vide C.R. No. 51 of 2021 dated 22.04.2021 registered with Faizpur Police Station, District Jalgaon for the offences punishable under Sections 323, 406, 498-A, 504, 506 r/w 34 of the

Indian Penal Code and the consequential charge-sheet vide R.C.C. No. 253 of 2021 pending before the Judicial Magistrate, First Class, Yawal stand quashed and set aside.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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