

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

CRIMINAL APPLICATION NO. 1651 OF 2021

Ganesh s/o Bapurao Patil,
Age : 64 years, Occupation : At present Nil,
R/o. Adarsh Nagar, Sut Mill Road,
Latur, Taluka and Distrit Latur.

...Applicant

Versus

1. The State of Maharashtra,
Through the Office Incharge,
Parali City Police Station, Taluka : Parali Vaijnath,
Dist. Beed.

2. Namita w/o Amol Rakate,
Age : 29 years, Occu. Household,
R/o. 'Rakate Niwas', Deepmala Society,
Dwarka Sai Wonder, Near Lotus Hospital,
F-401, Pimple Soudagar, Pune,
At present residing at Vidya Nagar,
Parali Vaijnath, Taluka : Parali Vaijnath,
District Beed.

...Respondents

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Mrs. Anjali Dube (Bajpai), Advocate for the Applicant
Mr. R. V. Dsasalkar, APP for respondent/State
Mr. A. P. Bhandari, Advocate for respondent no. 2

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AND

CRIMINAL APPLICATION NO. 1668 OF 2021

- 1] Jayashri w/o. Sharanappa Rakte,
Age : 56 years, Occu. Household.
- 2] Amol s/o Sharanappa Rakte,
Age : 36 years, Occu. At present unemployed,

- 3] Sharanappa s/o. Vishwanathappa Rakte,
Age : 67 years, Occu. Retired,
- 4] Shruti d/o. Sharanappa Rakte,
Age : 25 years, Occu. Education,
All R/o. Pimple Saudagar, Pune.
- 5] Nandkishor s/o Manoharrao Patil,
Age : 43 years, Occu. Agri.,
R/o. Deoni, Tq. Deoni, Dist. Latur.

...Applicants

Versus

- 1] The State of Maharashtra,
Through Its Principal Secretary,
Home Department,
Mantralaya, Mumbai.
- 2] The Police Inspector,
Police Station Parali City,
Tq. Parali, Dist. Beed.
- 3] Sau. Namita w/o Amol Rakte,
Age : 29 years, Occu. Household,
R/o. Vidya Nagar, Near Court Parali,
Tq. Parali, Dist. Beed.

...Respondents

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Mr. R. D. Biradar, Advocate for the Applicants
Mr. R. V. Dsasalkar, APP for respondent/State
Mr. A. P. Bhandari, Advocate for respondent no. 2

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**CORAM : SMT. VIBHA KANKANWADI
AND
RAJESH S. PATIL, JJ.
DATE : AUGUST 10, 2022**

ORAL JUDGMENT [PER SMT. VIBHA KANKANWADI, J.] :-

1. Both the applications have been filed under Section 482 of Cr.P.C. for quashing the FIR vide C.R. No. 0073/2021 dated 15.05.2021 registered at the instance of respondent no. 2 with Parli City Police Station, Tq. Parli Vaijnath, Dist. Beed, for the offence punishable under Sections 306, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code [In short 'IPC'] as well as by way of amendment, they had sought quashment of the Charge Sheet/Final Report bearing No. 70/2021 pending before learned Judicial Magistrate First Class, Parli Vaijnath, Dist. Beed, thereby further adding Section 420 r/w 34 of IPC.

2. Heard learned advocates for the respective parties and the learned APP for respondent/State.

3. The factual matrix leading to the present applications is that the applicant Ganesh Patil is the maternal uncle of husband of respondent no. 2 in Criminal Application No. 1651 of 2021, and applicant – Nandkishor Manoharrao Patil is the uncle of husband of respondent no. 3 in Criminal Application No. 1668 of 2021. Since the number of the informant in both the applications is different, she is henceforth referred to as the informant. It will not be out of place to mention here that when the disinclination is shown by this Court to grant any relief to applicant nos. 1 to 4 in Criminal Application No. 1668/2021, the application in respect of

the reliefs claimed by them came to be withdrawn by order dated 27.10.2021. Applicant – Nandkishor Manoharrao Patil is the applicant no. 5 and the matter proceeded for his reliefs.

4. The informant-wife has contended that she got married on 06.01.2021 and thereafter she was harassed by her husband and parents-in-laws as well as sister-in-law on account of demand of money. It is then contended that when her mother came to know about the harassment and the demand and realizing that she will not be able to fulfill the said demand, she used to be under mental tension and she committed suicide by hanging on 20.04.2021. Initially the offence was registered against other accused persons i.e. the applicants no. 1 to 4 in Criminal Application No.1668/2021 under Section 306, 498A, 323, 504, 506 r/w 34 IPC. After the supplementary statement was recorded, the present applicants came to be added as accused and Section 420 of IPC came to be added against them.

5. Both the learned advocates appearing for the respective applicants have submitted that except the fact that they were the mediators for the settlement of the marriage, there are no allegations showing that they had anyway actively ill-treated or subjected the informant to cruelty, abused, assaulted or intimidated or abetted the commission of suicide by the mother of the informant. Learned advocate appearing for the informant also pointed out the affidavit-in-reply of the informant stating that
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after the bail was granted to the applicants, the relatives have mediated for the resolution of the dispute and therefore she has no objection for quashing of the FIR as well as proceedings against the applicants.

6. At the outset, in the affidavit she speaks about the relief to be granted to the present applicants only and it cannot be taken by any stretch of imagination that it was against the original accused nos. 1 to 4 also, since on the date she filed affidavit-in-reply this Court had already dismissed the application in respect of the reliefs claimed by applicant nos. 1 to 4 in Criminal Application No. 1668/2021. Therefore, taking into consideration the entire charge-sheet which is mainly consisting of the statements of the witnesses, some recording of the conversation and PM report etc., it can be seen that the charge that can be levelled against the present applicants would be only under Section 420 r/w 34 of IPC and even the informant / prosecution has no intention to array them under Section 306, 498A, 323, 504, 506 r/w 34 IPC. Therefore, taking into consideration the fact that the charge can be framed only under Section 420 of IPC against them which is compoundable and the informant intends to compound i.e. has given consent for quashing of the FIR as well as Charge-sheet against them, we can invoke the provisions of Section 320 of Cr.P.C. and it would then be a futile exercise to ask the applicants to face the trial. Therefore, this is a fit case where the powers of this Court under Section 482 of the Cr.P.C., can be utilized within

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the parameters those have been laid down in **State of Haryana and Others Vs. Bhajan Lal and Others**, 1992 Supp. (1) SCC 335, to quash the FIR and the entire proceeding against the applicants. Hence, following order.

ORDER

1. Application No. 1651/2021 stands allowed.
2. Application No. 1668/2021 stands allowed in respect of applicant no. 5 - Nandkishor Manoharrao Patil. (This application has already been withdrawn as against applicant nos. 1 to 4 by order dated 27.10.2021).
3. FIR vide C.R. No. 0073/2021 dated 15.05.2021 registered with Parli City Police Station, Tq. Parli Vaijnath, Dist. Beed and the Charge-Sheet / Final Report No. 70/2021 pending before the learned Judicial Magistrate First Class, Parli Vaijnath, Dist. Beed and/or the Sessions Case after its committal, if any, stands quashed and set aside as against the applicants – Ganesh Bapurao Patil and Nandkishor Manoharrao Patil.

[RAJESH S. PATIL]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE