

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

CRIMINAL APPLICATION NO.1561 OF 2019

- 1) Nitin S/o Motilal Patte,
- 2) Manisha W/o Nitin Patte,

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) Manisha W/o Sachin Patte

...RESPONDENTS

...
Mr.Yogesh K. Bobade Advocate for Applicants.
Mr.A.M. Phule, A.P.P. for Respondent No.1.
Mr.G.M. Hiwale Advocate for Respondent No.2.
...

WITH

CRIMINAL APPLICATION NO.2336 OF 2022

- 1) Sachin S/o Motilal Patte,
- 2) Mangalabai W/o Motilal Patte,

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) Manisha W/o Sachin Patte

...RESPONDENTS

...
Mr.Yogesh K. Bobade Advocate for Applicants.
Mr.A.M. Phule, A.P.P. for Respondent No.1.
Mr.G.M. Hiwale Advocate for Respondent No.2.
...

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

DATE : 29th NOVEMBER, 2022

ORDER :

1. Both these Applications have been filed by the accused persons who have been arrayed in Crime No.190 of 2019 registered with S.B. Jalna Police Station, Jalna for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code. The charge-sheet is before the learned Chief Judicial Magistrate, Jalna.

2. Affidavit-in-reply has been filed by respondent No.2 in both the Applications. The parties have settled their dispute out of the Court and thereupon even the petition was filed under Section 13-B of the Hindu Marriage Act by original accused No.1 and respondent No.2 – informant. The decree has been passed dissolving their marriage. In the affidavit-in-reply the informant has clearly stated that she does not want to prosecute the matter. Since the First Information Report as well as the

proceedings were arising out of the matrimonial dispute and the husband and the wife have settled their dispute amicably, case is made out for exercise of inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, we pass following order:-

ORDER

(I) Criminal Application No.1561 of 2019 and Criminal Application No.2336 of 2022, stand allowed.

(II) The First Information Report vide Crime No.190 of 2019 registered with S.B. Jalna Police Station, Jalna for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code and the proceedings before the learned Chief Judicial Magistrate, Jalna, arising out of the said First Information Report, bearing Criminal M.A. No.922 of 2020, stand quashed and set aside as against the applicants in both the Applications.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE