

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

932 CRIMINAL APPLICATION NO.1907 OF 2021

**DEVIDAS RAOSAHEB JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Yogesh H. Jadhav, Advocate for the applicants
Mr. P. K. Lakhotiya, APP for the respondent/State
Mr. U. S. Patil, Advocate for respondent No. 2.

**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.**

DATED : 12th July, 2022

P. C.:-

1. This is an application for quashing of Crime No. 68 of 2021 registered with Shivoor Police Station, Tal. Vaijapur, District Aurangabad for the offences punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code. It was registered on 26th March, 2021. The FIR is lodged by the respondent No. 2. She was married to applicant No.1. All other applicants are applicant's No.1 relatives except applicant No.11. These relatives are his parents, sisters, sister's husbands, uncle and aunt and applicant

No.11 is his friend. It is not necessary to reproduce the allegations in the FIR in view of the settlement between the parties as it would unnecessarily create bitterness between parties, when the matter is already settled.

2. We have learned counsel Mr. Y. H. Jadhav for the applicants, Mr. Lakhotiya, learned APP for the respondent/State and learned counsel Mr. Patil for respondent No. 2.

3. Learned counsel for respondent No.2 tendered an affidavit-in-reply on behalf of respondent No. 2. In paragraph Nos. 1 to 6 she has noted her grievance and from paragraph No.7 onwards she has stated that there was settlement arrived at, she has filed H.M.P. No. 53 of 2022 before the Civil Judge Senior Division, Aurangabad under Section 13B of Hindu Marriage Act for divorce by mutual consent. She has stated that the matter is settled out of her free will, consent, without any force, fraud, undue influence and coercion. In paragraph No. 10 she has stated that she has no objection

if the CR No. 68/2021 registered at Shivoor Police Station is quashed. In view of this we have inclined to quash the proceedings based on the ratio of the Hon'ble Supreme Court in the case of ***Gian Singh vs State Of Punjab & Anr, reported in (2012) 10 SCC 303*** the FIR can be quashed as it serves no further purpose. Hence the following order.

ORDER

- (i) The application is allowed in terms of prayer clause (B).
- (ii) The Crime No. 68 of 2021 registered with Shivoor Police Station, Tal. Vaijapur, Dist. Aurangabad is quashed and set aside.
- (iii) Application is disposed of.

BHARAT P. DESHPANDE, J.

SARANG V. KOTWAL, J.