

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

CRIMINAL APPLICATION NO. 2544 OF 2019

Dr. Yogesh Ashok Khillare
and others

.. Applicants

Versus

The State of Maharashtra
Through Police Inspector
and another

.. Respondents

Mr. Abhishek Kulkarni, Advocate for the Applicants.

Mr. K. S. Hoke Patil, APP for the Respondent No. 1.

Mr. V. M. Maske Patil, Advocate h/f Mr. S. B. Ghatol Patil, Advocate for
Respondent No. 2.

**WITH
CRIMINAL APPLICATION NO. 4094 OF 2019**

Yogita Subodh Rasal

.. Applicant

Versus

The State of Maharashtra
Through Police Inspector
and another

.. Respondents

Mr. Abhishek Kulkarni, Advocate for the Applicant.

Mr. K. S. Hoke Patil, APP for the Respondent No. 1.

Mr. V. M. Maske Patil, Advocate h/f Mr. S. B. Ghatol Patil, Advocate for
Respondent No. 2.

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

DATED : 28th JUNE 2022.

PER COURT :-

. Leave to amend is granted. Amendment be carried out forthwith.

2. Both these applications are decided by this common order because they arise out of the same registered FIR and the same investigation. The applicants are seeking quashing of charge-sheet in RCC No. 135/2019 pending before the learned JMFC, Purna.

3. Heard learned counsel for the applicants, learned APP and learned counsel for respondent No. 2.

4. Initially, the applications were filed on merits of the matter. However, by separate amendment, it was mentioned that the matter was settled between the parties. The respondent No. 2 - the first informant has filed affidavit in reply alongwith joint pursis and the terms of the agreement.

5. We have perused the FIR, charge-sheet and affidavit in reply on behalf of the respondent No. 2 as well as the joint pursis. The FIR and statements in charge-sheet which consist that of respondent No. 2 and her family members. The allegations are similar in all these statements. It is mentioned that the respondent No. 2 got married with the applicant – Dr. Yogesh Khillare on 16.02.2014. She was treated properly initially, but then she was harassed on trivial issues. The FIR

goes on to mention different description as to why she was harassed. However, it is not necessary to go into the details of these allegations in view of the settlement between the parties. Affidavit in reply filed on behalf of the respondent No. 2 specifically states that in view of the settlement, she does not want to proceed with the case against the applicants and she has no objection if the proceedings are quashed. The terms of the settlement are also mentioned in the pursis. The allegations are restricted to private dispute between the parties as a matrimonial dispute and therefore as per the observations of the Hon'ble Supreme Court in the case of *Gian Singh Vs. State of Punjab and another* reported in *(2012) 10 Supreme Court Cases 303*. There is no impediment for quashing the proceedings. Hence, we pass the following order.

ORDER

- (I) The applications are allowed.
 - (II) The proceedings in RCC No. 135/2019 pending before the learned JMFC, Purna against the applicants are quashed and set aside.
6. With these observations, criminal applications are disposed of.

(BHARAT P. DESHPANDE)
JUDGE

P.S.B.

(SARANG V. KOTWAL)
JUDGE