

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.385 OF 2021

Ugrasen Indramani Yadav		
And Others	...	Applicants
Versus		
The State of Maharashtra		
And Another	...	Respondents

CRIMINAL APPLICATION NO.521 OF 2021

Gangesh Lolarknath Yadav		
And Another	...	Applicants
Versus		
The State of Maharashtra		
And Another	...	Respondents

Mr. Ganesh Gole i/b Aarif Ali M. Ali for the Applicants.
Mr. J.P. Yagnik, APP for Respondent No.1-State in Criminal Application No.385 of 2021.
Mr. K.V. Saste, APP for Respondent No.1-State in Criminal Appeal No.521 of 2021.
Mr. Ashutosh Omprakash Shukla for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 10 MARCH 2022

P. C. :

. Heard Mr. Ganesh Gole i/b Aarif Ali M. Ali for the Applicants, Mr. J.P. Yagnik, APP for Respondent No.1-State in Criminal Application No.385 of 2021, Mr. K.V. Saste, APP for Respondent No.1-State in Criminal Appeal No.521 of 2021 and Mr. Ashutosh Omprakash Shukla for Respondent No.2.

2 The present Applicants are prosecuted for the offences punishable under Sections 307, 323, 504, 506, 427, 34 of Indian Penal Code on the complaint of Indu Ganesh Yadav. There are three named accused persons, who are the Applicants herein. There are two unknown ladies and 10 to 12 unknown persons. The FIR was registered on 3 May 2015 at Vartaknagar Police Station, Thane.

3 The sum and substance of the allegation is that all the accused have entered the house of the first informant and abused the first informant and attempted to kill her by pouring kerosene. During that scuffle, her golden chain lost. Charge-sheet is filed.

4 At the same time an offence was registered on 2 September 2014 at Vartak Nagar Police Station under Sections 324, 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code on the complaint of the first informant Indu Ganesh Yadav. There are in all three accused persons. Out of them, accused Ganesha and accused Sarita are the Applicants in Criminal Application No.521 of 2021. The sum and substance of the allegation is that the accused have mentally and physically ill treated the first informant on account of not bringing Rs.5,00,000/- for starting a new business by husband Ganesh. The last instance took place on 1 September 2014 when the first informant was beaten by three accused when the first informant sought permission to come to the house of her husband. Charge-sheet is filed.

5 As the parties are related to each other, they have settled the dispute. As per the terms, the Applicant Ganesh Yadav has agreed to pay Rs.10,00,000/- towards full and final permanent alimony to Respondent

No.2 Indu. So also both spouses have agreed to separate and Respondent No.2 has agreed not to make any further claim. Both have agreed to take necessary steps before Family Court, Jaunpur in Case No.585 of 2014. Respondent No.2 Indu has agreed to vacate Room No.10 at Jawahar Jung, Thane. Respondent No.2 has agreed to co-operate in quashing of both proceedings. She has also filed an affidavit in support of that in both the proceedings. In view of that, the prosecution needs to be quashed. There were differences amongst the parties and it has laid to taking law in to their hands and that is how criminal law was set in motion. However, both realized that no purpose will be served by prosecuting the cases. This Court also feels that it will be in their best interest and hence case for quashing is made out. Hence, Order.

: O r d e r :

- (a) The Applications are allowed.
- (b) RCC 361 of 2017 under Sections 324, 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code pending with Court of Judicial Magistrate Thane, at Thane is quashed and set aside.
- (c) RCC 124 of 2017 under Sections 307, 323, 504, 506, 427 read with 34 of the Indian Penal Code pending with Court of Sessions Court at Thane is quashed and set aside.