

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 338 OF 2019

1. Bhaiyyasaheb Laldas Abhyankar :
Aged 33 years, Occu. : Agriculturist
R/o Vihigaon, Rahimpur, Tah. Amravati
Rural, Distt. Amravati
2. Asha Laldas Abhyankar :
Aged 65 years, Occu. Housewife,
R/o Vihigaon, Rahimpur, Tah. Amravati
Rural, Distt. Amravati
3. Sunena Kishor Kore :
Aged 38 years, Occu : Housewife,
R/o Kukde Plot, Rameshwari, Nagpur
4. Sudarshan Laldas Abhyankar :
Aged 35 years, Occu : Advocate
R/o Vihigaon, Rahimpur, Tah. Amravati
Rural, Distt. Amravati

APPLICANTS

VS.

1. State of Maharashtra
Through its P.S.O. Rahimpur, :
Tah. Amravati Rural, Distt. Amravati
2. Sau. Puja Bhaiyyasaheb Abhyankar :
Aged 30 years, Occu : Housewife
R/o c/o Shri Bharat Kharade,
At Watpur P.O. Loni, Tah. : Nandgaon
Khandeshwar, Distt. Amravati

NON-APPLICANTS

Mr. A.A. Dhawas, Advocate for the applicants
 Mr. V.A. Thakre, APP for the non-applicant No.1 / State
 Mr. G.N. Shinde, Advocate for the non-applicant No.2

**CORAM : V.M. DESHPANDE AND
 ANUJA PRABHUDESSAI, J.J.**

DATE : 31st JANUARY 2022

ORAL JUDGMENT : (Per : V.M.DESHPANDE, J.)

1. **Rule.** Rule is made returnable forthwith. Heard finally
 by consent of the parties.

2. The present proceedings are filed for quashment of the First Information Report registered with Police Station Rahimpur District Amravati for offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. The applicants are represented by their counsel Shri A.A. Dhawas, the non-applicant No.1 - State is represented by Shri V.A. Thakre, learned Additional Public Prosecutor and non-applicant No.2 is represented by Advocate Shri G.N. Shinde.

4. The non-applicant No.2 is the wife of the applicant No.1. The applicant Nos.2 to 4 are the close relatives of the applicant No.1. In view of the report lodged by the non-applicant no.2 with Police Station Rahimpur District Amravati on 23/01/2019, crime in question was registered against the present applicants.

5. During the pendency of this application, looking to the nature of the dispute, the matter was referred for mediation and accordingly with the assistance of learned Mediator, they have resolved their dispute amicably. The Co-ordinator of the Mediation Center, High Court, Nagpur has filed a report dated 29/08/2019 submitting that the mediation has become successful.

6. Today, when the matter was taken up, the learned counsel for the applicants Shri A.A. Dhawas and the learned counsel for the non-applicant No.2 (original complainant) Shri G.N. Shinde makes a statement that now the parties are residing jointly in the matrimonial house.

7. In view of the aforesaid, we are of the view that the continuance of the criminal proceedings will nothing but an abuse of process of law. Resultantly, we pass the following order.

ORDER

- i. The application is allowed.
- ii. The First Information Report No.13/2019, registered with Police Station Rahimpur District Amravati for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code together with subsequent charge-sheet, if filed and the registration of the criminal case, if it is pending against the applicants stands quashed and set aside.

Rule is made absolute in above terms.

JUDGE

MP Deshpande

JUDGE

Digitally signed by:MILIND
P DESHPANDE
Signing Date:01.02.2022
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