

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

CRIMINAL APPLICATION NO. OF 2022
IN
CRIMINAL APPLICATION (APL) NO.941 OF 2021

(Prashant s/o Dyaneshwar Patil and others Vs. State of Maharashtra thr. PSO PS
Anjangaon, Dist. Amravati and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. V. Sirpurkar, Advocate for Applicants.
Mr. S. S. Doifode, APP for Non-Applicant 1/State.
Ms. Sunita D. Paul, Advocate (Appointed) for Non-Applicant 2.

CORAM: ROHIT B. DEO AND URMILA JOSHI-PHALKE, JJ.
DATE: 10th OCTOBER, 2022.

The application is allowed.

2. The application be amended forthwith to incorporate the challenge to the charge-sheet by adding paragraph (1A) to the prayer clause.

3. We have perused the joint affidavit dated 10.10.2022 filed by the complainant – Neha w/o Prashant Patil and her husband Mr. Prashant s/o Dyaneshwar Patil, paragraphs 2 and 3 of which read thus:

2. That, this Hon'ble Court vide order dated 17/09/2021, directed the Investigating officer not to file the charge-sheet without the leave of this Hon'ble Court. That, the said

interim stay on filing of the charge-sheet was vacated by this Hon'ble Court vide order dated 12/09/2022 and directed to file the charge-sheet. Currently, the charge-sheet is filed in RCC No.199/2022 before Civil and Criminal Court, Anjangaon Surji, District Amravati.

3. That, the applicant no.1 and non-applicant no.2 are legally wedded husband and wife. Both the parties have settled the matter amicably and applicant no.1 and non-applicant 2 are willingly residing together as a married couple since 07/09/2022 at Warud, Amravati. Therefore, the applicants seeks permission to amend prayer clause by adding clause (1A) to the instant application:

“1A – Quash and set aside chargesheet filed in RCC No. 199/22022 before Civil and Criminal Court Anjangaon Surji, District Amravati, in Crime No. 508/2021 under section 498A r/w 34 of Indian Penal Code registered with non-applicant no.2 at Anjangaon Police Station, District: Amravati”.

4. Since the matrimonial dispute is amicably settled, and our interaction with the couple reveals that both are residing together happily, we quash the charge-sheet in

terms of the amended prayer clause (1A) which read thus:

1A – Quash and set aside chargesheet filed in RCC No. 199/22022 before Civil and Criminal Court Anjangaon Surji, District Amravati, in Crime No. 508/2021 under section 498A r/w 34 of Indian Penal Code registered with non-applicant no.2 at Anjangaon Police Station, District: Amravati.

5. The fees of the appointed counsel be quantified and paid in accordance with the rules.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B. DEO, J.)

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