

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

CRIMINAL APPLICATION NO.118 OF 2021

**SAU. HARSHADA W/O. MAHENDRA JADHAV AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. P. B. Salunke, Advocate for the applicants
Ms. V. N. Patil-Jadhav, APP for the respondent/State
Mr. V. P. Bakal, Advocate for respondent No.2 (appointed)

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R. M. JOSHI, JJ.**

DATE : 20th JANUARY, 2023

PER COURT :-

1. The applicants have filed this application to quash Spl. Case No. 428 of 2020 pending before the learned Sessions Judge, Aurangabad arising out of C.R. No. 81 of 2020 for the offences punishable under Sections 324, 323, 504, 506 and 34 of the IPC and 3(1)(r), 3(1)(s) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. After hearing the learned counsel for some time we expressed our view that this is not a fit case to quash the proceeding and to exercise powers under Section 482 of Cr.P.C. and option was given to the counsel for the applicant to withdraw the application or to argue the same on merits, provided that he would not withdraw the application after arguing the same on merits.

3. Learned counsel for the applicants had sought time to take instructions from the applicants for withdrawal of the case, hence the case was kept back. When the matter was taken up, learned counsel for the applicant submitted that he did not wish to withdraw the application and proceeded to argue the matter on merits. It was only after the arguments of all the parties were concluded and we were to dictate the order, he states that the applicant will file discharge application and seeks leave to withdraw the application. Considering that the precious Court time has been wasted when there are several other pressing matters pending before the Court, we allow the applicant to withdraw the application subject to payment of cost of Rs.10,000/- to be paid to the High Court Bar Association Library, Aurangabad within two weeks.

4. Fees of the appointed counsel for respondent No. 2 is quantified at Rs. 6000/.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

ssp