

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 536 OF 2020**

Mahesh Hanumant Gore and Ors.

... Applicants

V/s.

The State of Maharashtra and Anr.

... Respondents

Mr. Rupesh K. Bobade for Applicants.

Mrs. Geeta P. Mulekar, APP for Respondent No.1-State.

Mr. Jeevandatt M. Argade i/b. Mr. Nagraj S. Shinde for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 19th JULY, 2023.****PC. :**

1. Leave to amend to incorporate challenge to R.C.C.No.236 of 2010 pending on the file of Judicial Magistrate First Class, Barshi, granted. Amendment be carried out forthwith.

2. Applicants, husband and in-laws of Respondent No.2 have filed present Application under Section 482 of Cr.PC. for quashing of R.C.C.No.236 of 2010 pending on the file of learned JMFC, Barshi, arising out of C.R.No.25 of 2010 registered with Barshi City Police Station, under Sections 323, 448, 341, 498A, 504 and 506(II) read with 34 of the Indian Penal Code, 1860, with the consent of Respondent No.2.

3. Advocate Mr. Argade, holding for Advocate Mr. Nagraj Shinde, on instructions submitted that, Applicant No.1 and Respondent No.2 have

amicably settled their disputes and differences and they have filed M.P No.307 of 2018 under Section 13-B of Hindu Marriage Act for divorce by mutual consent before the Civil Judge Senior Division, Barshi. That, by an Order dated 7th February 2019, the Trial Court has decreed the said Petition and the marriage between Applicant No.1 and Respondent No.2 is dissolved. He tendered across the bar, Affidavit of Respondent No.2 dated 19th July 2023, duly affirmed before a Notary Public. In paragraph Nos. 2 and 3 thereof, Respondent No.2 has admitted the fact of filing of marriage petition and Order passed therein on 7th February 2019 by learned Civil Judge Senior Division, Barshi. In paragraph No.5, she has stated that, she has no grievance against Applicants. That, she has filed the present crime out of matrimonial disputes. She has given her consent for quashing of the crime in question.

Respondent No.2 is present personally in the Court and through her Advocate reiterates the contents of her Affidavit dated 19th July 2023 ,and her 'no objection' for quashing of crime in question.

4. In view of above, R.C.C.No.236 of 2010 pending on the file of Judicial Magistrate First Class, Barshi, arising out of C.R.No.25 of 2010 registered with Barshi City Police Station, District Solapur, is quashed and Petition is allowed in terms of prayer clause (b) and amended prayer clause (b1)).

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)