



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 662 OF 2024

Satish Namdeo Mahale and Another

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. S.A. Kulkarni, Advocate for applicants
Mr. V.K. Kotecha, A.P.P. for respondent no.1 – State
Mr. N.S. Salunke, Advocate for respondent no.2
....

CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 11th JUNE, 2024

PER COURT :

1. Heard.
2. This is an application under Section 482 of Code of Criminal Procedure for quashing of the F.I.R. bearing C.R. No. 320 of 2021 registered with Deopur Police Station, Dist. Dhule for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequential charge-sheet bearing R.C.C. No. 639 of 2022 filed against the applicants.
3. It is submitted by learned counsel for the applicants and Respondent No.2 that the matter has been amicably settled between them.

Our attention is drawn to the affidavit filed by Respondent No.2 – wife wherein she states that the matter has been amicably settled and she do not want to proceed with this litigation. She further states that the aforesaid F.I.R. and charge-sheet kindly be quashed.

4. Relevant paragraphs of the affidavit read thus :-

“6. In reply to the contents of para no.03, it is true to say that, I had preferred Hindu Marriage Petition-F no. 309/2023 u/s 13(B) of Hindu Marriage Act, 1955 before learned Family Court, Dhule which is pending before the learned Family court. It is also true to say that, since due involvement of respective elder members of our family, dispute amongst us have now come to an end and I did not want to proceed in the litigation, therefore, I have decided to take mutual divorce.

7. I respectfully say and submit that, dispute amongst us have now been settled amicably and I am currently residing with my parents at parental house. I further say and submit that, since I have no complaint or any grievance as raised in the impugned F.I.R. & Charge sheet, I do not wish to pursue with the complaint filed before Deopur Police Station, Dhule. Continuing the prosecution will be an abuse of process of law and also directly hamper our future and would be stigma on the life of the applicants which would make the relations bitter between us.

8. That therefore, it is most humbly submit that F.I.R. bearing no. 3202021 came to be registered against the present applicants for the offences u/s 498-A, 323, 504 and 506 r/w 34 of the Indian Penal Code and charge sheet is came to be registered against the present applicants in R.C.C. No. 639/2022 pending before learned JMFC, Dhule may kindly be quashed and set aside to meet the end of justice.”

5. Considering the nature of litigation and the affidavit filed by Respondent No.2 – wife, criminal application is allowed in terms of prayer clause [B].

SSD (NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)