



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

1075 CRIMINAL APPLICATION NO. 2543 OF 2023

**AAKASH VIJAY PATWARI AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

.....

Advocate for Applicant : Mr. Rajesh Kishorilal Khandelwal
APP for Respondent no 1 : Mr. G.A. Kulkarni
Advocate for Respondent no.2 : Mr. Talhar Ajay G.

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 08.02.2024

PER COURT :

Heard both the sides.

2. The applicants are seeking quashment of Crime No. 46/2023, registered with Mukundwadi Police Station, District Aurangabad, for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and the criminal case bearing Regular Criminal Case No. 1381/2023 pending before the 12th Judicial Magistrate, First Class, Aurangabad.

3. The learned advocate for the applicants tenders across the bar a copy of the decree passed in Petition No. A-649/2022 of Family Court, Aurangabad, dated 15.09.2023. The copy of decree reveals that the matrimonial ties between the applicant no. 1 and the respondent no. 2, who is the informant, have been severed by way of decree of divorce by mutual consent. As is indicated in the decree, one of the terms of settlement was to withdraw all the civil and criminal disputes between the parties.

4. In the light of above, according to us, no public interest is involved. The couple has severed the matrimonial ties which was the genesis for the criminal case.

5. The Criminal Application is allowed. Crime No. 46/2023, registered with Mukundwadi Police Station, District Aurangabad, for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and the criminal case bearing Regular Criminal Case No. 1381/2023 pending before the 12th Judicial Magistrate, First Class, Aurangabad are quashed and set aside.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-