

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.859 OF 2017

1. Sou. Manisha Rupesh Gangurde @
Manisha Prakash Tribhuvan & Ors.
Age – 30 years, Occup-Advocate ..
2. Shri Prakash Laxman Tribhuvan
Age – 60 years, Occu-retired ..
3. Sou. Ranjana Prakash Tribhuvan
Age – 56 years, Occu-Housewife ..
4. Shri Deepak Prakash Tribhuvan
Age – 29 years, Occup-job ..
5. Shri Mahendra Prakash Tribhuvan
Age – 27 years, Occu-Education
(Applicant Nos.1 to 5 residing at
Parijat Colony, Hanuman Nagar,
Nandgaon, Tal-Nandgaon, Dist-Nashik) ..
6. Shri Laxman Tukaram Tribhuvan
Age – 75 years, Occu-Nil ..
7. Sou. Satyabhama Laxman Tribhuvan
Age – 65 years, Occu-Nil
(Applicant Nos.6 and 7 residing at
Aandhari, Tal.Chalisingaon, Dist Jalgaon) .. Applicants

vs.

1. Rupesh Tukaram Gangurde
Age – 34 years, Occu-job
Type 2B, 1007, Ozar Township,
Ozar, Tal-Niphad, Dist-Nashik ..
2. State of Maharashtra ..
3. Senior Police Inspector
Ozar Police Station,
Ozar, Taluka – Niphad,
District – Nashik ..
4. Shri Siddharth Dadabhau Tribhuvan

**HEMANT
CHANDERSEN
SHIV**

Age – 32 years, Occu-Service
Residing at Aandhari, Tal-Chalisgaon
District – Jalgaon

.. Respondents

Ms. Ashwini B. Jadhav for the Applicants.
Mr. J. P. Yagnik A.P.P. for the Respondent-State.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 16th APRIL 2024

P. C.:-

- 1) By the present Application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') the Applicants have prayed for quashing of R.C.C.No.81 of 2017, filed by Respondent No.1 before the learned Judicial Magistrate First Class (Court No.1) Taluka Niphad, District Nashik.
- 2) Heard Ms.Jadhav, learned Advocate for the Applicants and Mr.Yagnik, learned A.P.P. for the Respondent-State. Perused record.
- 3) Applicant No.1 herein was the wife of Respondent No.1. Applicant No.2 is the father; Applicant No.3 is the mother; Applicant Nos.4 and 5 are brothers and Applicant Nos.6 and 7 are grand parents of Applicant No.1. As noted earlier, the Respondent No.1 was the husband of the Applicant No.1.
- 4) Record indicates that, there was matrimonial discord between the Applicant No.1 and the Respondent No.1. The Respondent No.1 had filed the case in question i.e. R.C.C.No.81 of 2017 in the Court of Judicial

Magistrate First Class (Court No.1), Pimpalgaon, Nashik under Section 156(3) of Cr.P.C. for lodgement of crime against the Applicants under Sections 315, 317, 384, 415, 417, 420, 500, 504, 506 120-B of I.P.C. The learned Magistrate by its Order dated 25th July 2017 was pleased to direct the Senior Inspector of Police, Ozar Police Station, Nashik to investigate the said crime under Section 156(3) of Cr.P.C. and submit a report to it. In pursuance of the said Order, the Ozar Police Station, Nashik, lodged F.I.R. No.104 of 2017.

5) The Applicants thereafter preferred present Application and by an Order dated 1st September 2017, ad-interim relief was granted in favour of the Applicants. Said ad-interim relief reads as under:-

“3. In the background of the peculiar facts and circumstances of the case, investigation as directed by the Order dated 25.7.2017 to stand stayed.”

6) It appears from record that, Applicant No.1 and Respondent No.1 had filed various cases against each other before different Courts in the district of Nashik. The Applicant No.1 and the Respondent No.1 had decided to settle their dispute amicably before this Court in Civil Writ Petition No.512 of 2016 with Civil Writ Petition No.13750 of 2018 and accordingly, the Consent Terms dated 13th December 2018, were filed in the said Petitions. In para Nos. 4 and 8 of the said Consent Terms, the Applicant No.1 and the Respondent No.1 have agreed to file appropriate

proceedings for withdrawal of respective cases in various Courts at Nashik, a list of said cases is mentioned in para 7 of the Consent Terms dated 13th December 2018 and to take steps by filing application/applications for withdrawal of the same.

7) Ms.Jadhav, learned Advocate for the Applicants on instructions submitted that, during the pendency of present Application, the Respondent No.1 passed away on 15th August 2022. Mr.Yagnik, learned A.P.P. on instructions from the Police Inspector attached to Ozar Police Station, Taluka Niphad, District Nashik concede to the said fact.

8) As noted earlier, during pendency of present Application, the Applicant No.1 and Respondent No.1 have executed said Consent Terms dated 13/12/2018, before this Court in the said Writ Petitions. In view of the said Consent Terms further proceedings arising out of said R.C.C.No.81 of 2017 and as consequence thereof C.R.No.104 of 2017 registered with Ozar Police Station, Nashik are required to be quashed to prevent unnecessary and undue harassment to Applicants and abuse of process of law.

9) In view thereof, Application is allowed in terms of prayer clause (a).

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)