



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

**1 CRIMINAL APPLICATION NO. 2174 OF 2023
WITH
CRIMINAL APPLICATION NO. 761 OF 2025**

1. Harish S/o. Bhikaji Choudhari,
Age : 31 Years, Occu. : Pvt. Job,
R/o. Room No.17, Plot No.224,
Bhagyashali CHS, Near IES School
Charkop, Sector-2, Kandiwali West,
Mumbai.
2. Bhikaji S/o. Traybak Choudhari.
Age : 70 Years, Occu. : Retired,
R/o. Room No.17, Plot No.224,
Bhagyashali CHS, Near IES School
Charkop, Sector-2, Kandiwali West,
Mumbai.
3. Kusum W/o. Bhikaji Choudhari,
Age : 66 Years, Occu. : Household,
R/o. Room No.17, Plot No.224,
Bhagyashali CHS, Near IES School
Charkop, Sector-2, Kandiwali West,
Mumbai.
4. Bhagyashree W/o. Dilip Shelke,
Age : 38 Years, Occu. : Household,
R/o. B-11, Trimurti Co-Hou. Society,
Disosanagar, Sakinaka, Mumbai.
5. Rajashri W/o. Atul Borade,
Age : 33 Years, Occu. : Household,
R/o. Room No.573, Sector 18,
Koparkhairane, Navi Mumbai.

.... Applicants

VERSUS

1. The State of Maharashtra,
Through Police Station Washi,
Tq. Washi & Dist. Osmanabad.
2. Anuja W/o. Harish Choudhari,
Age : 30 Years, Occu. : Household,
R/o. Undra Galli, Washi, Tq. Washi,
Dist. Osmanabad.

....

Advocate for Applicant : Mr. Prasad S. Dikle

APP for Respondent No.1-State : Mr. A.M. Phule

Advocate for Respondent No.2 : Mr. Shubham Khandagale h/f
Mr. Vikram Shivaji Undre

....

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 26th February 2025

ORDER :-

1. The present application has been filed under Section 482 of the Code of Criminal Procedure (in short "Cr.P.C."), for quashing the proceedings in RCC No.11 of 2018, pending before learned JMFC, Washi, Tq. Washi, Dist. Osmananbad, arising out of FIR vide C.R. No.237 of 2017, registered with Washi Police Station on 26.11.2017, for the offence punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code (in short "IPC").

2. It will not be out of place to mention here that original applicant No.1 sought withdrawal of the application after

disinclination was shown to grant any relief in his favour on 20.07.2023. Thereafter, the matter had proceeded for the reliefs claimed on behalf of applicant Nos.2 to 5. However, when the matter was sent for mediation, it was successful and the settlement terms has been arrived at. The settlement terms have been produced and therefore, now original applicant No.1 is tendering criminal application to add himself as a party applicant while disposing of the present application.

3. The present application remained pending for some or other reasons since 2023. In fact, charge-sheet came to be filed in 2018 before learned JMFC and it appears that, till 2023, the matter had not registered any progress and now the applicants are taking advantage of the same.

4. By order dated 22.08.2024, both the parties agreed to explore the possibility of the settlement through mediation. Since it was a matrimonial dispute, the matter was referred for mediation. As the said matter was settled before the Mediator, the settlement agreement has been drafted and signed by the parties i.e. original applicant No.1 and respondent No.2, as per the mediation Rules. We had called the parties today for confirmation of the settlement terms.

The parties, especially the informant reiterates the terms of settlement and submits that the amount has been received by her towards the permanent alimony. She has no objection for quashment of the proceedings. Therefore, those terms are read and recorded.

5. In view of the said settlement through mediation, in our view, this is a fit case where we can exercise our powers under Section 482 of Cr.P.C.. Of course, as regards to original applicant No.1-husband, we impose costs. With these observations, following order is passed.

ORDER

- I] The criminal application tendered by original applicant No.1 in the Court be numbered.
- II] The said application as well as Criminal Application No.2174 of 2023 stands allowed.
- III] Necessary amendment be carried out in Criminal Application No.2174 of 2023 within a period of 08 days.
- IV] The proceedings in RCC No.11 of 2018 pending before learned JMFC, Washi, Tq. Washi, Dist. Osmanabad, arising out of FIR vide C.R. No.237 of 2017, registered with Washi Police Station on 26.11.2017, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of IPC stands quashed and set aside as against the applicants.

- V] Applicant Harish Bhikaji Choudhari to deposit costs of Rs.5,000/- (Rupees Five Thousand Only) to the High Court Legal Services Sub-Committee, Aurangabad, within a period of one week from today.
- VI] In case of failure on the part of the applicant to deposit the costs amount, it would be recovered from him as arrears of land revenue.
- VII] Place the matter for compliance on 11.03.2025.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd