



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1192 OF 2023

1. Nirmalabai Hiralal Ingale
2. Kanchan Mahadev Ingale
3. Atul Hiralal Ingale
4. Anita Kanchan Ingale
5. Changunabai Kadappa Ingale
6. Ankush Rambhau Kokane
7. Govind Ankush Kokane
8. Bajrang Fakira Kotakdound
9. Jyotirling Rambhau Kokane
10. Swapnil Hiralal Ingale

.. Applicants

Versus

1. The State of Maharashtra
Through Senior Police Inspector
M.I.D.C. Police Station,
Taluka and District Latur.
2. Namrata Swapnil Ingale

.. Respondents

...

Mr. A. M. Reddy, Advocate for the applicants.
Mrs. P. R. Bharaswadkar, APP for respondent No.1/State.
Mr. D. V. Tele, Advocate for respondent No.2. (Absent)

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**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 15 JANUARY 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed initially for quashing the
FIR vide Crime No.137 of 2023 dated 26.02.2023 registered with

M.I.D.C. Police Station, Taluka and District Latur and later on, by way of amendment, for quashing the proceedings in R.C.C. No.501 of 2023 pending before the learned Judicial Magistrate First Class, Latur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. It will not be out of place to mention here that the husband was not party before this Court, however, during the hearing, the applicants sought leave to amend and add the husband as party applicant. In view of the compromise, leave is granted to add the name of husband as applicant No.10 and said amendment be carried out within a period of two weeks.

3. Notice was issued to respondent No.2 and she was represented by Advocate, however, he was absent. It is to be noted from the documents now shown especially the certified copy of Exhibit-01 i.e. Petition No.F-205 of 2024 before the Family Court, Latur that the added party i.e. applicant/husband and respondent No.2 had filed said proceeding for getting divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. After the due procedure, the Family Court, Latur has decided the matter and given judgment on 16.11.2024, thereby granting divorce to the parties upon mutual consent. In the

petition, present respondent No.2 agreed that she would cooperate in the present proceedings thereby indicating that she would give no objection for the quashment of the proceedings. As aforesaid, the learned Judge, Family Court, Latur had confirmed the contents of the petition from the parties and then had given the decision. Therefore, now there is no hurdle for accepting the said settlement. It would be a futile exercise otherwise to ask the applicants to face the trial.

4. We must then observe that there is no reasonable ground given by the husband for not joining himself as party applicant earlier and now when there is a decree favouring him, he is coming before this Court and joining the application. Therefore, we impose cost on him.

5. With these observations, we passe the following order :-

ORDER

I) Criminal Application stands allowed.

II) The Proceedings in R.C.C. No.501 of 2023 pending before the learned Judicial Magistrate First Class, Latur arising out of FIR vide Crime No.137 of 2023 dated

26.02.2023 registered with M.I.D.C. Police Station, District Latur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code stands quashed and set aside as against all the applicants.

III) Applicant No.10 i.e. added applicant/husband to deposit cost of Rs.25,000/- with the Registry i.e. the Committee consisting of learned Registrar (Administration) of the High Court, Bench at Aurangabad and the Medical Officer of the High Court Medical Dispensary, on or before 31.01.2025.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm