



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

2 CRIMINAL APPLICATION NO. 2064 OF 2023

1. Sukhdev S/o Narayan Yeole
(Father-in-law)
Age: 62 years, Occu: Agri,
2. Bhivrabai W/o Sukhdev Yeole
(Mother-in-law)
Age: 49 years, Occu: Household,
Both R/o Dongarkinhi, Tq. Patoda,
Dist. Beed.
At present R/o Tuljamata Nagar,
Rameshwar Colony, Jalgaon,
Dist. Jalgaon.
3. Sunita W/o Rakesh Gavhane,
(Sister-in-law)
Age: 30 years, Occu: Household,
R/o Police Colony, MIDC, Jalgaon,
Dist. Jalgaon.
4. Sarika W/o Rahul Tupe,
(Sister-in-law)
Age: 32 years, Occu: Household,
R/o Datta Nagar, Navgan College Road,
Trimurti Colony, Beed, Dist. Beed.
5. Rahul S/o Aasaram Tupe,
(Brother-in-law)
Age: 39 years, Occu: Service,
R/o Datta Nagar, Navgan College Road,
Trimurti Colony, Beed, Dist. Beed.
6. Vinod S/o Sukhdev Yeole
(Husband)
Age 35 years, Occu: Service,
R/o. Rameshwar Colony,
Mehrur, Jalgaon.

... Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Amalner Police Station,
Tq. Patoda, Dist. Beed.
2. Nisha W/o Vinod Yeole
Age 26 years, Occu: Household,
R/o Plot No. 35, Rameshwar Colony,
Mehrun, Jalgaon, Dist. Jalgaon.
At Present R/o Dongarkinh, i,
Tq. Patoda, Dist. Beed.

... Respondents

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Mr. Shrikant G. Kawade, Advocate for Applicants.

Mrs. P. R. Bharaswadkar, APP for Respondent No.1 / State.

Mr. Adil Shaikh, h/f Mr. Ravindra V. Gore, Advocates for Respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.****DATE : 11th July, 2025.****Per Court:**

. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the proceeding in R.C.C. No.70 of 2021, pending before learned Judicial Magistrate First Class, Patoda, District Beed, arising out of FIR vide C.R. No.150 of 2021, dated 9th July, 2021, registered with Amalner Police Station, Taluka Patoda, District Beed, for the offence punishable under Sections

498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

2 Heard the learned advocate for the applicants, the learned APP for respondent No.1 / State and the learned advocate for respondent No.2.

3 Applicant No.1 is the father-in-law, applicant No.2 is the mother-in-law, applicant Nos.3 and 4 are the sisters-in-law and applicant No.5 is the brother-in-law of respondent No.2.

4 Now, respondent No.2 has filed an affidavit-in-reply and the learned advocates for applicants as well as respondent No.2 submit that there was a compromise and respondent No.2 as well as original accused No.1/husband had filed Petition No.A-02 of 2023, before the learned Family Court, Jalgaon, for divorce by mutual consent. The said petition came to be allowed on 25th April, 2024. She has no objection for allowing the application and quashing the proceedings. The photocopies of the *Sammatispatra* and the decision of the Family Court have been produced for our perusal. Though there is no specific statement in the *Sammatispatra* regarding the withdrawal of the contents in the FIR, now by way of affidavit-in-reply, the same have been made.

5 It is to be noted that the present application came to be filed on 12th June, 2023. The said petition was decided by the Family Court on 25th April, 2024. When the matter was on board on 19th November, 2024, statement was made that the compromise has taken place between the parties and they would place it on record. Opportunity was given to the parties to appear before the learned Registrar (Judicial) where the verification would have been done. However, no such terms of settlement were produced and unnecessarily the matter was dragged. On 20th March, 2025, the affidavit-in-reply has been filed by respondent No.2. Further, it appears as per the statement made by the learned APP that the learned Trial Court has issued non-bailable warrant against the applicants since 2022 that means the applicants as well as respondent No.2 are literally playing with the Court's procedure unnecessarily and wasting the time of the Court.

6 Now, while dictating the order, when it was asked as to whether the husband has filed separate application, because we could see that the matter may remain before the Trial Court as against the husband, the learned counsel for applicants seeks liberty to include the name of the husband as party applicant No.6. Taking into consideration the fate in the matter, we permit the learned counsel for applicants to add the husband of the informant as party applicant No.6.

Amendment to be carried out immediately.

7 When there is a compromise in this matrimonial dispute, there is no hurdle in exercising our powers under Section 482 of Cr.P.C. Hence, the following order is passed:-

ORDER

- I. The application stands allowed.
- II. The proceeding in R.C.C. No.70 of 2021, pending before learned Judicial Magistrate First Class, Patoda, District Beed, arising out of FIR vide C.R. No.150 of 2021, dated 9th July, 2021, registered with Amalner Police Station, Taluka Patoda, District Beed, for the offence punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed and set aside as against all the applicants. However, at the same time, we impose costs of Rs.10,000/- (Rupees Ten Thousand Only) to be paid by the applicants to the High Court Legal Services Authority, Aurangabad, within a period of one week.
- III. We also make a condition that, in case of failure on the part of the applicants to deposit the said amount of costs within the stipulated period, the proceedings before the learned Judicial Magistrate First Class,

Patoda, District Beed, would get revived as against all the applicants.

nga [SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]