



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CRIMINAL APPLICATION NO.4212 OF 2024

1. Sonali Balaji Khandekar,
@ Sau Sonali Abhijeet Shrirame
2. Abhijeet Ramrao Shrirame
3. Aniket Ramrao Shrirame,
4. Ramrao Pandharinath Shrirame,
5. Sau. Shobatai Ramrao Shrirame,

.. Applicants

Versus

1. State of Maharashtra through the
Commissioner of Police, Aurangabad
Police Commissionerate MilCorner,
Aurangabad.
2. The Senior Police Inspector,
Harsul Police Station, Aurangabad.

.. Respondents

...

WITH

CRIMINAL WRIT PETITION NO.1267 OF 2024

Aniket Ramrao Shrirame

.. Petitioner

Versus

1. The State of Maharashtra
Through Police Inspector
Harsul Police Station
Tq. & Dist. Aurangabad.
2. Sonali w/o. Abhijit Shrirame

.. Respondents

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Mr. Kshitij Surve, Advocate for Applicants in Criminal Application No.4212 of 2024.

Mr. P. H. Gole h/f Mr. V. D. Gunale, Advocate for the petitioner in Criminal Writ Petition No.1267 of 2024.

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

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

DATE : 14 FEBRUARY 2025

ORDER :

. Learned Advocate Mr. P. V. Gole holding for learned Advocate Mr. V. D. Gunale for the petitioner in Criminal Writ Petition No.1267 of 2024 seeks withdrawal of the writ petition in view of the fact that another application i.e. Criminal Application No.4212 of 2024 has been filed by the same petitioner.

2. Criminal Application No.4212 of 2024 has been filed for quashment of the proceedings in R.C.C. No.2134 of 2023 pending before the learned 6th Judicial Magistrate First Class, Aurangabad arising out of Crime No.101 of 2023 registered with Harsul Police Station, District Aurangabad for the offences punishable under Sections 498-A, 324, 323, 504, 506 read with Section 34 of Indian Penal Code, under Section 4 and 5 of the Dowry Prohibition Act.

3. There is a compromise between the informant and all the accused persons which was placed before the Family Court, Aurangabad. The said settlement deed has been got verified from learned Registrar (Judicial) and he has submitted the report on

05.02.2025. It was the matrimonial dispute which has been now settled. Under the said circumstance, there is no hesitation in exercising powers under Section 482 of the Code of Criminal Procedure for quashing the proceedings. However, it appears that only one accused i.e. Aniket Ramrao Shrirame had approached this Court in Criminal Writ Petition No.1267 of 2024 through another Advocate and now Criminal Application No.4212 of 2024 is through another Advocate. The settlement before the Family Court is stated to have taken place on 13.08.2024, to which said accused Aniket was not a party but his brother was party, wherein it was agreed between the parties that the proceedings would be got quashed in an appropriate petition before this Court upon the same terms and conditions. Thereafter, on 06.09.2024 the matter was on board, but it appears that as the said petitioner had not given any information to his Advocate, then representing him, no statement was made and due to paucity, the matter was adjourned to 25.10.2024. Thereafter, the matter was not on board, but it was never tried to be taken on board. Certainly, it appears to be due to the lack of information transmitted from the said petitioner to his Advocate, but then he has directly approached this Court in this application also and

even in the main petition, he had not made any prayer in respect of withdrawal of his earlier petition. Only by way of amendment, which came to be allowed on 28.01.2025, those statements have been made. Therefore, while allowing the application for applicant – Aniket, we impose cost upon him.

4. With these observations, following order is passed :-

ORDER

I) Criminal Writ Petition No.1267 of 2024 stands disposed of as withdrawn.

II) Criminal Application No.4212 of 2024 stands allowed.

III) The proceedings in R.C.C. No.2134 of 2023 pending before the learned 6th Judicial Magistrate First Class, Aurangabad arising out of FIR vide Crime No.101 of 2023 registered with Harsul Police Station, District Aurangabad for the offences punishable under Sections 498-A, 324, 323, 504, 506 read with Section 34 of Indian Penal Code, under Sections 4 and 5 of the Dowry Prohibition Act, stands quashed and set aside as against all the applicants.

IV) Applicant – Aniket Ramrao Shrirame to deposit cost of Rs.5,000/- to the High Court Legal Services Sub Committee, Aurangabad within a period of one week from today.

V) In case of failure on the part of applicant – Aniket Ramrao Shrirame to deposit the said amount within the aforesaid period, it would be recovered as arrears of land revenue in the appropriate proceedings against him.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm