



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 CRIMINAL APPLICATION NO.4341 OF 2024

- 1 Akash Rajendra Khamgaonkar,
Age 30 yrs., Occ. Service,
R/o Arihantnagar, Near Jain Mandir,
House No.4-8-594,
Chhatrapati Sambhajnagar.
- 2 Rajendra Dattatray Khamgaonkar,
Age 57 yrs., Occ. Business,
R/o Arihantnagar, Near Jain Mandir,
House No.4-8-594,
Chhatrapati Sambhajnagar.

... Applicants

... Versus ...

- 1 The State of Maharashtra
- 2 Shubhangi w/o Akash Khamgaonkar,
Age 27 yrs., Occ. Household,
R/o Arihant Nagar, Near Jain Mandir,
At present r/o Arihantnagar, Near Jain
Mandir, House No.4-8-594,
Chhatrapati Sambhajnagar.

... Respondents

...

Mrs. S.D. Tambat, Advocate for applicants

Mr. A.R. Kale, APP for respondent No.1

Mr. Ajinkya S. Deshpande, Advocate for respondent No.2

...

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

DATE : 30th APRIL, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Both the applicants are original accused in Crime No.260/2023 dated 28.10.2023 registered with Jawahar Nagar Police Station, Aurangabad. After investigation the charge sheet came to be filed vide Regular Criminal Case No.95/2024 before learned Judicial Magistrate First Class, Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 The parties have arrived at the compromise and compromise terms have been filed. Those terms of compromise are got verified by learned Registrar (Judicial), who then submitted report on 25.04.2025. It being a contract, if at all any term is not fulfilled or remained to be fulfilled at a later point of time, it can be put to execution. Under such circumstance, it would be an abuse of process of law if the applicants are now asked to face the trial. Hence, following order.

ORDER

i) Criminal Applications stands allowed.

ii) The proceedings in Regular Criminal Case No.95/2024 pending before learned Judicial Magistrate First Class, Aurangabad, arising out of First Information Report vide Crime No.260/2023 dated 28.10.2023 registered with Jawahar Nagar Police Station, Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Akash Rajendra Khamgaonkar** and 2) **Rajendra Dattatray Khamgaonkar**.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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