



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3936 OF 2022

1. Rakesh Macchindra Chaudhari
2. Macchindra Kisan Chaudhari
3. Rahul Macchindra Chaudhari
4. Meena Macchindra Chaudhari

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Kalamb Police Station,
Tq. Kalamb, Dist. Osmanabad.
2. Snehal w/o Rakesh Chaudhari
@ Snehal d/o Ropaji Warpe

.. Respondents

...

WITH

CRIMINAL APPLICATION NO.603 OF 2025

1. Rakesh Macchindra Chaudhari
2. Macchindra Kisan Chaudhari
3. Rahul Macchindra Chaudhari
4. Meena Macchindra Chaudhari

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Kalamb Police Station,
Tq. Kalamb, Dist. Osmanabad.
2. Snehal w/o Rakesh Chaudhari
@ Snehal d/o Ropaji Warpe

.. Respondents

...

Mr. Suvidh S. Kulkarni, Advocate for the applicants in both the applications.

Mr. A. M. Phule, APP for respondent No.1/State.

Mr. V. S. Undre h/f Mr. A. T. Kanawade, Advocate for respondent No.2.

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

DATE : 25 FEBRUARY 2025

ORDER :

. It will not be out of place to mention here that on 10.02.2025, when this Court expressed its disinclination to grant any relief in favour of applicant No.1 in Criminal Application No.3936 of 2022, learned Advocate for the applicants withdrawn the application as against applicant No.1.

2. Now, in view of settlement between the parties, Criminal Application No.603 of 2025 has been filed seeking leave to add applicant No.1 in Criminal Application No.3936 of 2022 and consider while disposing of Criminal Application No.3936 of 2022.

3. Issue notice to the respondents in respect of Criminal Application No.603 of 2025. Learned APP waives notice for respondent No.1/State. Learned Advocate Mr. V. S. Undre holding for learned Advocate Mr. A. T. Kanawade waives notice for respondent No.2.

4. Criminal Application No.603 of 2025 stands allowed in terms of prayer clause 'B'. Applicants to carry out amendment within a period of one week.

5. Criminal Application No.3936 of 2022 has been filed for quashing the proceedings in R.C.C. No.35 of 2023 pending before the learned Judicial Magistrate First Class, Kallam, District Osmanabad arising out of Crime No.369 of 2022 registered with Kallam Police Station, District Osmanabad for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

6. It appears that Miscellaneous Civil Application No.220 of 2023 was filed by respondent No.2 for transfer of petitions wherein the original accused No.1 i.e. husband was party. The matter was then sent for mediation and it was settled. The terms of settlement in the said matter have been produced in Criminal Application No.603 of 2025. Based upon the said compromise terms, it is stated that petition under Section 13-B of the Hindu Marriage Act was filed bearing No.A-487 of 2022 before the Family Court, Aurangabad. It came to be decided on 11.02.2025 and the judgment has been produced, wherein reference has been taken regarding the settlement terms, which were arrived at in Miscellaneous Civil Application No.220 of 2023 before this court. The divorce by mutual consent has been granted. If the terms of settlement are considered, then the clause 'B' is in respect of

quashment of the FIR and charge-sheet, which is the subject matter in this application. Respondent No.2 is present before this Court and reiterates the said clause 'B'. In view of the said fact, there is no hesitation in exercising the powers under Section 482 of the Code of Criminal Procedure in the present matter. Hence, the following order :-

ORDER

- I) Criminal Application No.603 of 2025 stands allowed and disposed of.
- II) Criminal Application No.3936 of 2022 stands allowed.
- II) The proceedings in R.C.C. No.35 of 2023 pending before the learned Judicial Magistrate First Class, Kallam, District Osmanabad arising out of Crime No.369 of 2022 registered with Kallam Police Station, District Osmanabad 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 applicant No.1 - **Rakesh Macchindra Chaudhari**, applicant No.2 - **Macchindra Kisan Chaudhari**, applicant No.3 - **Rahul Macchindra Chaudhari** and applicant No.4 - **Meena Macchindra Chaudhari**.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm