



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 CRIMINAL APPLICATION NO.4478 OF 2024

- 1 Vishal Anil Patil,
Age 25 yrs., Occ. Agri.,
 - 2 Mangal w/o Anil Patil,
Age 42 yrs., Occ. Household,
 - 3 Anil Gangaram Patil,
Age 46 yrs., Occ. Agri.,
 - 4 Khushal Anil Patil,
Age 20 yrs., Occ. Student,
 - 5 Gangaram Sakharam Patil,
Age 77 yrs., Occ. Agri.,
 - 6 Nimba Sakharam Patil,
Age 68 yrs., Occ. Agri.,
 - 7 Raju Nimba Patil,
Age 42 yrs., Occ. Agri.,
 - 8 Kalpanabai w/o Raju Patil,
Age 40 yrs., Occ. Household,
- Applicant Nos.1 to 8 are
R/o Moharad, Tq. Chopda,
Dist. Jalgaon.
- 9 Sadashiv Waman Patil,
Age 65 yrs., Occ. Agri.,
 - 10 Vijay Sadashiv Patil,
Age 34 yrs., Occ. Agri.,
 - 11 Gulab Sadashiv Patil,
Age 36 yrs., Occ. Agri.,

Applicant Nos.9 to 11 are
R/o Talwade, Tq. Amalner,
Dist. Jalgaon.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through Police Sub Inspector,
Police Station, Shirpur,
Tq. Shirpur, Dist. Dhule.
- 2 Madhuri @ Prachi w/o Vishal Patil,
Age 23 yrs., Occ. Household,
R/o C/o Hariklal Sahebrao Patil,
Old Sangvi, Tq. Shirpur,
Dist. Dhule.

... Respondents

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Mr. P.B. Patil, Advocate for applicants
Mr. S.A. Gaikwad, APP for respondent No.1

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 15th SEPTEMBER, 2025

ORDER :

. Learned Advocate for applicants is producing on record photo

copy of Hindu Marriage Petition No.65/2025 filed before Civil Judge Senior Division, Amalner, Tq. Amalner, Dist. Jalgaon under Section 13-B of the Hindu Marriage Act, 1955 by the original applicant No.1 and present respondent No.2, respondent No.2's affidavit in support of the said petition and decision by learned Civil Judge Senior Division, Amalner in Hindu Marriage Petition No.65/2025 dated 12.06.2025, thereby divorce was granted between original applicant No.1 and respondent No.2.

2 It will not be out of place to mention here that by order dated 20.01.2025 upon disinclination shown to grant any relief to applicant Nos.1 to 3 those applicants had withdrawn the application, but it can be seen that thereafter these are the developments. Under such circumstance, we recall our order dated 20.01.2025 and restore the matter as against applicant Nos.1 to 3 also.

3 In the application i.e. Hindu Marriage Petition No.65/2025 there is specific stipulation that applicant No.1 therein i.e. present respondent No.2 would take back the cases including the case under Section 498-A of the Indian Penal Code. The supporting affidavit filed by her before the competent Court has also the same stipulation and when the learned trial Court had considered the application as well as given time to the parties to

rethink and after again considering the evidence by way of affidavits, the decree of divorce has been granted on the basis of compromise that had entered into. Now, though respondent No.2 is not remaining present; yet before the competent Court she had made a statement that she would withdraw her allegations in First Information Report under Section 498-A of the Indian Penal Code. The competent Court has acted on the basis of her affidavit containing such material, then we take that this would be the abuse of process of law to ask the applicants to face the trial. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) The proceedings in Regular Criminal Case No.176/2023 pending before learned Judicial Magistrate First Class, Shirpur, Tq. Shirpur, Dist. Dhule, arising out of First Information Report vide Crime No.100/2023 dated 17.05.2023 registered with Police Station, Shirpur, Tq. Shirpur, Dist. Dhule, for the offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Vishal Anil Patil**, 2) **Mangal w/o Anil Patil**, 3) **Anil Gangaram Patil**, 4) **Khushal Anil Patil**, 5) **Gangaram Sakharam Patil**, 6)

Nimba Sakharam Patil, 7) Raju Nimba Patil, 8) Kalpanabai w/o Raju Patil, 9) Sadashiv Waman Patil, 10) Vijay Sadashiv Patil, 11) Gulab Sadashiv Patil.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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