



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

25 CRIMINAL APPLICATION NO. 4548 OF 2023

1. Kaushik S/o. Suryakant Joshi,
Age : 25 Years, Occu. : Business,
2. Suryakant S/o. Ambadasrao Joshi,
Age : 53 Years, Occu. : Nil,
3. Sandhya W/o. Suryakant Joshi,
Age : 49 Years, Occu. : Household,
4. Shruti D/o. Suryakant Joshi,
Age : 21 Years, Occu. : Student,
5. Rohit S/o. Vilasrao Joshi,
Age : 21 Years, Occu. : Student,
6. Vilas S/o. Ambadas Joshi,
Age : 52 Years, Occu. : Nil,
All R/o. Near Police Station, Brahman Galli,
Tq. Gangapur, Dist. Aurangabad.

.... Applicants

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Gangapur Police Station,
Tq. Gangapur, Dist. Aurangabad.
2. Arti W/o. Kaushik Joshi,
Age : 25 Years, Occu. : Legal Practitioner,
R/o. Gangapur, Tq. Gangapur,
Dist. Aurangabad.

.... Respondents

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Advocate for Applicants : Ms. Karishma Sarin h/f Mr. Shyam C. Arora
APP for Respondent No.1-State : Mr. V.K. Kotecha
Advocate for Respondent No.2 : Mr. Pramod F. Patni
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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 04th April 2025

PER COURT :-

1. The present application has been filed for quashment of the First Information Report (for short “the F.I.R.”) vide C.R. No.0313 of 2022, dated 06.08.2022, registered with Gangapur Police Station, Tq. Gangapur, Dist. Aurangabad and the proceedings in R.C.C. No.494 of 2022, pending before the learned Judicial Magistrate First Class, Gangapur, Dist. Aurangabad, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

2. Learned Advocate for the applicants as well as respondent No.2 submits that, in the meantime, there was compromise between the husband/applicant No.1 and wife/respondent No.2 and they had filed Hindu Marriage Petition bearing No.93 of 2024, under Section 13-B of the Hindu Marriage Act, 1955, before the learned Joint Civil Judge Senior Division,

Vaijapur. By judgment and order dated 10.05.2024, after considering the compromise which is entered into without any pressure or coercion, the petition was allowed and the marriage between applicant No.1 and respondent No.2 has been dissolved. One of the terms in the compromise was that respondent No.2 would give no objection for the quashment of the F.I.R. and charge-sheet, which is the subject matter in the present application.

3. We have perused the downloaded copy of the judgment passed by the learned Joint Civil Judge Senior Division, Vaijapur. The terms have been verified by the concerned Judge and the learned Advocate for respondent No.2 now submits that respondent No.2 has performed second marriage after the said decree. Under such circumstance, it would be an abuse of process of law to ask the applicants to face the trial. Therefore, a case is made out for exercising our powers under Section 482 of the Code of Criminal Procedure, 1973. Hence, the following order is passed.

ORDER

- I) The application stands allowed in terms of prayer clause 'B'.

- II) The First Information Report vide C.R. No.0313 of 2022, dated 06.08.2022, registered with Gangapur Police Station, Tq. Gangapur, Dist. Aurangabad and the proceedings in R.C.C. No.494 of 2022, pending before the learned Judicial Magistrate First Class, Gangapur, Dist. Aurangabad, for the offences 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 the present applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd