

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

**BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 345 OF 2017**

1. Mr. Arun Prabhakar Sapakale,  
Age : 31 years, Occ. Service,
2. Mr. Prabhakar Narayan Sapakale  
Age : 68 Years, Occ. Retired,
3. Mrs. Shilabai Prabhakar Sapakale,  
Age : 63 Years, Occ. Housewife,
4. Mrs. Chandani Prabhakar Sapakale,  
Age : 29 Years, Occ. Household,  
No. 1 to 3 are residing at Block No.4  
of Plot No.41, Survey No. 179,  
Girna Pumping Road, Mayur Pith Girni,  
Wagh Nagar, Jalgaon
5. Mrs. Mona Ravindra Tayde,  
Age : 33 years, Occ. Housewife
6. Mr. Ravindra Laxman Tayde,  
Age : 37 Years, Occu. Service  
No. 5 to 6 are residing at Near  
Anant Mangal Karyalay,  
Uttam Nagar, NDA Khadakwasla,  
Pune 411 023
7. Mrs. Ratna Suresh Bagul  
Age : 55 Years, Occ. Housewife,
8. Mr. Suresh Shivnath Bagul  
Age : 66 Years, Occu. Retired  
No.7 to 8 Residing at Plot No. 1/4,  
Mehrun Road, Golden Harmony  
Apartment, In front Kala Bhavan,  
Jalgaon
9. Mr. Nayan Bhaskar Surwade,  
Age : 49 years, Occ. Service

10. Mrs. Jaya Nayan Surwade,  
Age : 39 Years, Occ. Housewife,  
No. 9 to 10 Residing at  
1673, Koli Wada, Talwel  
425305
11. Mr. Kiran Sukhdev Surwade  
Age : 54 Years, Occ. Service,
12. Mrs. Manisha Kiran Surwade,  
Age : 44 Years, Occu. Housewife,  
No. 11 to 12 Residing at Room-6,  
S.T. Colony, Bhusawal Road,  
Jalgaon – 425001
13. Mrs. Shweta Uday Tayade,  
Age : 32 Years, Occu. Housewife  
  
Residing at Sharadchandra  
Tayade Javahar Navodaya Vidyalaya  
Jogna, Senha Lohardaga,  
Jharkhand- 835302

..PETITIONERS

VERSUS

1. The State of Maharashtra
2. Smt. Babita Arun Sapakale,  
Presently residing at Ambedkar Chowk,  
Tal. Dondaicha, Dist. Dhule

..RESPONDENTS

...

Advocate for Applicant : Mr. G. A. Nagori  
APP for Respondents: Mr. A.A. Jagatkar  
Advocate for respondent no. 2 : Mr. H. P. Deshmukh

...

**CORAM :T.V. NALWADE AND  
SMT.VIBHA KANKANWADI,JJ.  
DATE :17<sup>th</sup> OCTOBER, 2018.**

**JUDGMENT( Per T.V. NALWADE, J] :-**

Rule. Rule made returnable forthwith. By consent heard both the

sides for final disposal.

2] The proceeding is filed under Article 226 and 227 of the Constitution of India, for relief of quashing of proceeding of Regular Criminal Case No. 62 of 2015, presently pending in the Court of Judicial Magistrate ( First Class), Dondaicha District Dhule. The case is filed against the present applicant for the offences punishable under Section 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3] During the argument, the learned counsels for the petitioners and first informant submitted that parties have amicably settle the dispute. They had filed proceeding for mutual divorce bearing No. 551 of 2018 in the Court of Civil Judge, Senior Division, Jalgaon. Today, both the counsels made submissions that yesterday only proceeding was allowed and divorce is given to the parties. It was submitted that the parties have decided to take steps for withdraw of all the proceedings filed against each others. Certified copy of the proceeding is filed on record and it shows that the wife had decided to withdraw the allegations made against applicant in criminal proceedings. This record is produced and it is taken on record. In view of the nature of dispute and aforesaid circumstances this Court holds that relief needs to be granted. In the result following order :-

**ORDER**

I] application is allowed.

II] Relief is granted in terms of prayer clause (A).

Rule made absolute in those terms.

[SMT.VIBHA KANKANWADI]  
JUDGE

[T.V. NALAWADE]  
JUDGE

YSK/