

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 150 OF 2018**

1. Ravindra Kakasaheb Waghmare  
Aged 33 years, Occu. Service
2. Saroja Kakasaheb Waghmare  
Aged 53 years, Occu. Housewife
3. Kakasaheb Waghmare  
Aged 64 years, Occu. Retired
4. Rakesh Kakasaheb Waghmare  
Aged 28 years, Occu. Service  
All currently residing at A-204,  
Shrisharanam CHS, Patalipada, Thane  
(West).

**...Petitioners**

**Versus**

1. State of Maharashtra through  
Khadakpada Police Station, Through  
Public Prosecutor.
2. Mrs. Jyoti Ravindra Waghmare  
Aged 28 years, Occu. Housewife,  
Residing at Mangesh Shrushti CHS, B-  
wing, Room No.905, Near Vasant Park,  
Vasant Valley Road, Khadakpada,  
Kalyan, Thane.

**...Respondents**

**WITH  
WRIT PETITION NO.2302 OF 2018**

Rachana Apraj Suryawanshi  
12/A, Sulashi Society, Near Chaitanya  
Health Club, Rambagh Colony, Anand  
Nagar, Kothrud, Pune.

**...Petitioner**

**Versus**

1. State of Maharashtra through  
Khadakpada Police Station, Through  
Public Prosecutor.

2. Mrs. Jyoti Ravindra Waghmare  
Aged 28 years, Occu. Housewife,  
Residing at Mangesh Shrushti CHS, B-  
wing, Room No.905, Near Vasant Park,  
Vasant Valley Road, Khadakpada,  
Kalyan, Thane.

...Respondents

Mr. Amar Gharte, i/b Ms. Shruti More, for the Petitioner in  
both petitions.

Mrs. S. D. Shinde, APP for the State/Respondent.

Mr. Rahul P. Raut, for Respondent no.2.

CORAM: S. S. SHINDE &  
N. J. JAMADAR, JJ.  
DATED: 5<sup>th</sup> AUGUST, 2021.

**JUDGMENT:-** PER : N. J. JAMADAR, J.

1. Rule. Rule made returnable forthwith and, with the  
consent of the Counsels for the parties, heard finally.

2. These petitions are filed to quash and set aside the FIR  
bearing CR No.326 of 2017, registered at Khadakpada Police  
Station, Kalyan, District Thane for the offences punishable  
under Sections 498-A, 323, 406, 504 read with 34 of the Indian  
Penal Code, 1860, ("the Penal Code") lodged by Mrs. Jyoti  
Waghmare – respondent no.2, and the consequential  
proceedings.

3. The marriage of Mr. Ravindra – petitioner no.1 in Writ  
Petition No. 150 of 2018 and Mrs. Jyoti – respondent no.2, was

solemnized on 22<sup>nd</sup> February, 2015. The petitioner nos.2 to 4 in Writ Petition No.150/2018 and the petitioner in Writ Petition No.2302/2018 are the relatives of Mr. Ravindra.

4. The marital life of Mr. Ravindra and Mrs. Jyoti was afflicted with discord. Eventually Mrs. Jyoti lodged a report against the petitioners with Khadakpada Police Station leading to registration of CR No.326 of 2017, for the offences punishable under Sections 498-A, 323, 406, 504 read with 34 of the Penal Code.

5. Mr. Gharte, the learned Counsel for the petitioners and Mr. Raut, the learned Counsel for respondent no.2 – Mrs. Jyoti, in both the petitions, make a joint statement that during the pendency of the petitions, the marital discord has been resolved. Petitioner no.1 Ravindra and respondent no.2 – Mrs. Jyoti have resumed cohabitation. Respondent no.2 has filed an affidavit.

6. Mr. Ravindra and Mrs. Jyoti appeared before this Court. We have interacted with them. Mrs. Jyoti – the first informant, respondent no.2 in both the petitions, informed the Court that during the pendency of these petitions, with the intervention of elders and well-wishers, the matrimonial dispute has been amicably resolved. She and Mr. Ravindra have been cohabiting together since one year.

7. Respondent no.2 submitted that she has sworn an affidavit on her own volition. Paragraphs 2 to 4 of the affidavit read as under:

“2. I say that, myself and petitioners have settled the dispute between us amicably and we are staying together from last 1 year. I say that as we are living happily together, I have also withdrawn the Application under Domestic Violence filed by myself against my husband and in-laws. Hereto annexed and marked as Exhibit-A is the copy of order dated 15/02/2020 passed by Ld. Judicial Magistrate First Class, Kalyan.

3. I say that in these circumstances I have no objection to grant the relief sought by applicants herein in present Criminal Writ Petition. I say that I have no objection to quash and set aside C.R.No.326 of 2017 dated 30/10/2017 registered with Khadakpada Police station.

4. I say that in view of the above settlement, if in case in future any complaint/dispute arise pertaining to the said F.I.R. No.326 of 2017, I say and submit that I shall fully co-operative with the accused and will give no-objection to withdraw the same.”

8. In view of the fact that the petitioner no.1 Ravindra and respondent no.2 have resolved the dispute and resumed the cohabitation, no fruitful purpose would be served in continuing the prosecution. As the cohabitation is restored, continuation of the prosecution would be counter productive. In any event, respondent no.2 Mrs. Jyoti would not support the prosecution and, resultantly, the likelihood of the prosecution ending in a conviction is extremely remote. In this backdrop, the continuation of the prosecution would put unnecessary burden on the criminal justice system.

9. Since the petitioner no.1 Ravindra and respondent no.2 Jyoti have appeared before the Court together and made a joint statement that they have put an end to marital discord and have been cohabiting since last one year, in our view, it would be expedient to quash the prosecution to secure the ends of justice and prevent the abuse of the process of the Court. Lest, not only the petitioners but respondent no.2 would suffer a grave prejudice.

10. Hence, the following order:

**: ORDER :**

- (i) The petitions stand allowed.
- (ii) FIR No.326 of 2017, registered at Khadakpada Police Station, Kalyan, District Thane, and all consequential proceedings, arising therefrom stand quashed and set aside.

Rule made absolute in aforesaid terms.

**[N. J. JAMADAR, J.]**

**[S. S. SHINDE, J.]**