

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 1178 OF 2021

1. Sandip s/o Manohar Gode,
aged about 35 years, Occ. Service.
2. Manohar s/o Dashrath Gode,
aged about 61 years, Occ. Retired.
3. Ratnamala w/o Manohar Gode,
aged about 55 years, Occ. Housewife.

All are R/o Tuljaai, 3/B, Vaibhavand Housing Society,
Ingole Nagar, Hudkeshwar Main Road,
Nagpur 440034.

4. Baban s/o Kisanji Malkhede,
aged about 37 years, Occ. Service.
5. Pranjal w/o Baban Malkhede,
aged about 27 years, Occ. Housewife.

Applicant Nos. 4 and 5 are R/o Plot No. 952/B, Near
Hanuman Temple, Janaki Nagar, Katol, District Nagpur.

6. Rekha w/o Prakash Ghore,
aged about 43 years, Occ. Housewife,
R/o National Archeology Office Campus, 4 Bunglow Road,
Bhopal, Madhya Pradesh.
7. Sayali w/o Sandip Gode (Now Sayali d/o Sudhakar Chapke)
aged about 31 years, Occ. Household,
R/o C/o Sudhakar Shankarrao Chapke,
Zilla Parishad Colony, Shrirampur,
Pusad, District Yavatmal.

...APPLICANTS

Versus

State of Maharashtra,
through Police Station Officer,
Hudkeshwar Police Station, Nagpur.

...RESPONDENT

Mr. A.D. Bhate, Advocate for the applicants.
Mr. V.A. Thakre, A.P.P. for the respondent/ State.

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**CORAM : M.S. SONAK AND
PUSHPA V. GANEDIWALA, JJ.
DATE : OCTOBER 29, 2021.**

ORAL JUDGMENT : (PER : PUSHPA V. GANEDIWALA, J.)

Heard.

2. **Admit.**

3. Shri V.A. Thakre, learned A.P.P. waives service on behalf of the respondent.

4. This is a joint application filed by the accused and the complainant under Section 482 of the Code of Criminal Procedure seeking quashment of chargesheet No.55/2018 filed against applicant Nos.1 to 6 for the offences punishable under Sections 498A, 504 and 506 of the Indian Penal Code by the Police Station Hudkeshwar, District Nagpur before the Judicial Magistrate First Class, Nagpur, so also the consequent criminal proceedings bearing Regular Criminal Case No. 1135/2018, pending before the said Court.

5. It is stated that the marriage between applicant Nos.1 and 7 was solemnized on 27/02/2015 at Pusad as per

the Hindu Rites and Customs prevailing in their community.

6. It is further stated that because of irretrievable breakdown of the marriage due to incompatible behaviour, conduct and temperament of the parties, they are residing separately since 2017. That applicant No.1 had filed petition seeking divorce against applicant No.7 before the Family Court, Nagpur. That thereafter applicant No.7 had lodged report with the Police Station, Hudkeshwar against applicant Nos. 1 to 6, on the basis of which FIR bearing No. 90/2018 came to be registered for the offences as above.

7. It is further stated that due to the intervention of the Mediation Centre of the Family Court, Nagpur and the efforts of the relatives, both the parties have mutually agreed to dissolve their marriage.

8. Today, the applicants are personally present before this Court. Shri Bhate, learned counsel for the applicants acknowledges their identity. Applicant No.7 states that she wants to withdraw all the allegations, proceedings and report filed by her against applicant Nos. 1 to 6, and that the parties have no grudge against each other.

9. In the background of facts as aforesaid, so also relying on the ratio laid down by the Hon'ble Supreme Court in the case of **B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675**, we are inclined to allow the application and hence, we pass the following order :

ORDER

- i. The Criminal Application is allowed.
- ii. Chargesheet No.55/2018 filed against applicant Nos.1 to 6 for the offences punishable under Sections 498A, 504 and 506 of the Indian Penal Code by the Police Station Hudkeshwar, District Nagpur before the Judicial Magistrate First Class, Nagpur, so also the consequent criminal proceedings bearing Regular Criminal Case No. 1135/2018, pending before the said Court, are quashed and set-aside, subject to the applicants depositing costs of Rs.20,000/- (rupees twenty thousand) jointly and severally with the High Court Legal Services Sub-Committee, Nagpur.

(PUSHPA V. GANEDIWALA, J.) (M.S. SONAK, J.)

Sumit