

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

CRIMINAL APPLICATION (APL) NO.1410 OF 2022

APPLICANTS :-

1. Vaibhav s/o Shivaji Wankhede, aged 32 years, Occupation Service.
2. Pratibha w/o Shivaji Wankhede, aged 51 years, Occupation Housewife.

Both 1 and 2 Resident of Ajay Bhad Sir, Ambika Nagar, Behind Munsagibaba Mandir, Digras, Tahsil Digras, District Yavatmal.

3. Komal w/o Sunil Sonune, aged 37 years, Occupation: Housewife.
4. Sunil s/oTukaram Sonune, aged 40 years, Occupation Teacher.

Both 3 and 4 resident of Teacher's Colony, In front of Tahsil Karyalaya, Arni, Tahsil Arni, District Yavatmal.

5. Shriram s/o Waman Wankhede, aged 55 years ,Occupation Teacher,R/o Shrirampur, Pusad, Yavatmal.
6. Shivaji s/o Waman Wankhede, aged 65 years, Occupation :Paralyze, R/o Ajay Bhad Sir, Ambika Nagar, Behind Munsagibaba Mandir, Digras, Tahsil Digras, District Yavatmal.

...VERSUS...

- RESPONDENTS :-
1. State of Maharashtra through Police Station Officer, Mahagaon, District Yavatmal.
 2. Shital Vaibhav Wankhede, aged about 30 years, occupation Houseold, R/o c/o Prakash Vishvanat Pongone, Near Basaweshwar Temple, Ambedkar Ward, Umarkhed, Yavatmal.

Mr. Anil Mardikar, Senior Advocate a/b Mr. Shubhankar S. Phadnis,
Advocate for the applicants.

Mr. S.M. Ghodeswar, APP for respondent State.

Mr. G.N. Shinde, Advocate for the respondent No.2.

CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, JJ.

DATE : 19.12.2022.

ORAL JUDGMENT (Per : Sunil B. Shukre, J.)

(1) Heard.

(2) Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

(3) Applicant No.1 Vaibhav Wankhede and respondent No.2 Shital are the husband and wife, who consider themselves to be imprisoned in the marital bond which now they have decided to break free and for that purpose both of them have already filed a petition under Section 13 of the Hindu Marriage Act seeking divorce by mutual consent. Both of them are confident that their mutual divorce petition would be allowed by the Family Court. In fact, applicant No.1, who is personally present in the Court and who has been identified by his learned counsel, submits that he would be pressing for that petition and would be obtaining divorce by mutual consent. Similar sentiment is echoed by respondent No.2. She is personally present before the Court and she has been identified by her learned counsel. She states that it is not possible for Vaibhav and herself to move together in life and their differences have reached the stage of non-reconciliation and therefore, she submits that both of them have signed joint pursis today, indicating their consent for quashing of the criminal proceedings initiated on the basis of the FIR lodged by her against all the applicants, which has been registered as Crime No. 114 of

2018, final report No.179 of 2020 and Criminal Case No.50 of 2020, Police Station Mahagaon.

(4) Considering the fact that this is a matrimonial dispute and the differences between the husband and wife are irreconcilable, it would be better from the view point of the future of both husband and wife that their plea jointly made before this Court as contained in the joined pursis dated 19.12.2022, which is taken on record and marked as document 'A' for identification, is accepted by this Court. Accordingly, the application is allowed in terms of prayer clause (A) which reads as under:-

“(A) Quash First Information Report (FIR) registered vide Crime No.114 of 2018 and criminal proceedings vide RCC No.50 of 2020 for the offences punishable under Section 498-A, 504, 506, 313 r/w Section 34 of the Indian Penal Code, 1860 together with Section 3 and 4 of the Dowry Prohibition Act”.

(5) The applicants shall deposit an amount of Rs.10,000/- as costs in the account of the Office of the Government Pleader, High Court Bombay, Bench at Nagpur so as to form part of the

library fund for the purpose of development of library within a period of two weeks from the date of the order, failing which the amount shall be recovered by following due process of law from the applicants by treating the amount as fine imposed by this Court in accordance with law.

(6) Rule is made absolute accordingly.

(M.W.CHANDWANI,J)

(SUNIL B. SHUKRE,J)