



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

**CRIMINAL APPLICATION NO. 2032 OF 2023
SANTOSH RAMRAO IGHARE**

VERSUS

**THE STATE OF MAHARASHTRA AND ANOTHER
AND**

**CRIMINAL APPLICATION NO. 890 OF 2023
SARITA SUGRIV ANDHALE AND OTHERS**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant in Cri.Appln.-2032/2023 : Mr. Madde Shrikant B

Advocate for Applicant in Cri.Appln.-890/2023 : Mr.Tripathi Manish

Purushottam

APP for Respondent/State : Ms. S.S. Joshi

Advocate for Respondent No.2 : Mr. Vaibhav Kulkarni

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 20 FEBRUARY 2024

PER COURT :

. Heard both the sides.

2. The applicants from both these applications, are seeking quashment of Crime No.21/2023 registered with Jintur Police Station, Dist. Parbhani for the offences punishable under Sections 377, 498A, 323, 504, 506 read with 34 of the Indian Penal Code and Regular Criminal Case No.88/2023 pending before the learned Judicial Magistrate First Class, Jintur.

3. Learned Advocate for the respondent no.2 submits that in spite of efforts, he could not solicit any instructions from her.

4. Learned Advocates for the applicants point out that terms of settlement were filed before the Court by the husband and the respondent no.2. Even their petition for divorce was converted to one by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955. The terms of settlement contain a stipulation regarding withdrawal of all the proceedings including the criminal one and by the order dated 07.10.2023, a decree of divorce has been granted by mutual consent.

5. Considering the fact that the crime was registered out of a matrimonial discord and subsequently, with consent the couple has obtained a decree of divorce with a specific understanding to seek withdrawal of all the criminal and civil cases, we see no reason not to concede to the request for quashment of the crime. No public policy is involved.

6. The applications are allowed.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]