



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1059 CRIMINAL WRIT PETITION NO. 1240 OF 2019

ABHISHEK S/O. RAJPAL BADADE AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND ANR

.....

Advocate for the Petitioner : Mr. Sabnis Ameya N.

APP for Respondent no. 1 : Mr. D.B. Bhangе

Advocate for Respondent no. 2 : Mr. S.B. Kendre h/f Mr. R.P Adgaonkar

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

DATE : **08.02.2024**

PER COURT :

Heard both the sides.

2. The petitioners are seeking quashment of Crime No. 247/2019 registered with Shivajinagar Police Station, Latur, District Latur, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the criminal case bearing Regular Criminal Case No. 446/2019 pending before the Chief Judicial Magistrate, Latur.

3. Already the notices were issue and the respondent no. 2 who happens to be the wife of the petitioner no. 1 has caused appearance. Her learned advocate is also present.

4. It is being pointed out that subsequently, the couple, that is, the petitioner no. 1 and the respondent no. 2 have obtained a decree for divorce under Section 13-B of the Hindu Marriage Act, 1955, *inter alia* agreeing to withdraw all the proceedings lodged against each other.

5. The learned advocate for the respondent no. 2 submits that he tried to contact the respondent no. 2 but has not been able to take any instructions.
6. Copy of the order passed in Petition No. A-1497/2019 is on the record (page No. 84). Even the terms of settlement have been produced on the record (Exh. 'T') which include *inter alia* undertaking to withdraw the cases lodged against each other.
7. Since the crime was registered pursuant to a matrimonial dispute and now that the couple has severed the matrimonial ties by obtaining a decree of divorce by mutual consent *inter alia* agreeing for withdrawing the cases, according to us, no public interest is involved.
8. The Criminal Writ Petition is allowed. Crime No. 247/2019 registered with Shivajinagar Police Station, Latur, District Latur, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the criminal case bearing Regular Criminal Case No. 446/2019 pending before the Chief Judicial Magistrate, Latur are quashed and set aside.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-