



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

**909 CRIMINAL WRIT PETITION NO. 1164 OF 2022
WITH
CRIMINAL APPLICATION NO. 4098 OF 2025
IN WP/1164/2022**

PRABHABAI W/O PRAKASHRAO JOSHI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Kingaonkar Nandkumar Y., Advocate for the Petitioner

Mr. P. S. Patil, APP for Respondent-State

Mr. Gaikwad R. M., Advocate for Respondent No.2

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**CORAM : SANDIPKUMAR C. MORE AND
Y. G. KHOBRAGADE, JJ.**

DATED : 23/12/2025.

P. C. :

1. Heard.

2. The present petition is filed for quashing of criminal proceedings bearing RCC No. 138 of 2021 pending before the learned Judicial Magistrate (First Class), Court No.1, Parali Vaijanath, District Beed. The petitioners are arrayed as accused in the aforesaid proceedings. During the pendency of the present petition, a compromise has taken place between the parties and accordingly, a compromise deed has been submitted, which is marked as 'X' for identification. The said compromise deed was forwarded to the Registrar (Judicial) of this Court vide order dated 19/12/2025 for verification of its contents through the parties. Accordingly, the learned Registrar (Judicial) of this Court

submitted a report on the same day stating that the parties to the compromise have voluntarily entered into settlement and have signed the compromise deed after accepting its contents.

3. On perusal of the said compromise deed, it appears that respondent No. 2 (wife) and petitioner No. 3 (husband) have decided to separate by obtaining a decree of divorce by mutual consent. It is further evident that they have filed a petition for divorce by mutual consent under Section 13(1)(b) of the Hindu Marriage Act, bearing Petition No.A-185 of 2021. Learned counsel for the rival parties submitted that the said petition is listed on 10/02/2026 before the Family Court, Nanded, for final orders. It further appears that petitioner No. 3 (husband) has agreed to pay permanent alimony to respondent No. 2 (wife) in the amount of Rs. 3,50,000/-. Respondent No. 2 (wife) has also undertaken to withdraw Criminal Miscellaneous Application No.355 of 2021 pending before the Judicial Magistrate (First Class), Parali Vaijanath and learned counsel for the parties has reported that the said application has already been withdrawn. Further, as per the order of this Court dated 19/12/2025, petitioner No. 3 (husband) has deposited the one-time alimony amount of Rs. 3,50,000/- by way of demand draft. Copies of the said demand draft along with the petition for divorce by mutual consent are already placed on record.

4. Thus, it appears that respondent No. 2 (wife) and petitioner No. 3 (husband) have amicably settled their dispute as stated above. In such circumstances, continuation of the aforesaid criminal proceedings against the petitioners would amount to an

abuse of the process of law. Accordingly, the petition stands allowed and the criminal proceedings bearing RCC No.138 of 2021 presently pending before the learned Judicial Magistrate (First Class), Court No. 1, Parali Vaijanath, District Beed, stand quashed and set aside along with the charge-sheet and FIR therein.

5. Pending applications, if any, stand disposed of.

6. The petition is disposed of accordingly.

(Y. G. KHOBRADE, J.)

(SANDIPKUMAR C. MORE, J.)

VS Maind/-