



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

11 CRIMINAL APPLICATION NO. 3464 OF 2023

1. Machchindra Dadasaheb Godhade
 2. Dadasaheb Dnyandev Godhade
 3. Mandabai Dadasaheb Godhade
 4. Priyanka Dadasaheb Godhade
 5. Gorakh Dadasaheb Godhade
 6. Rupesh Dadasaheb Godhade
 7. Shaila Gorakh Godhade
- Applicants**

VERSUS

1. The State of Maharashtra,
 2. Chaitali Machchindra Godhade
- Respondents**

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Advocate for Applicants : Ms. Meera A. Bhosle h/f Mr. Vinayak P. Narwade and Mrs. Manjushri V. Narwade
APP for Respondent No.1-State : Mr. S.A. Gaikwad
Advocate for Respondent No.2 : Mr. Prakash B. Shirsath

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 21st March 2025

PER COURT :-

1. The present application has been filed for quashment of the First Information Report (for short “the F.I.R.”) vide C.R. No.0360 of 2022, dated 24.08.2022, registered with Belwandi Police Station, Tq. Shrigonda, Dist. Ahmednagar and the proceedings in R.C.C.

No.532 of 2022, pending before the learned Judicial Magistrate First Class, Shrigonda, Dist. Ahmednagar i.e. charge-sheet No.197 of 2022, filed on 05.12.2022, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

2. Learned Advocate for the applicants and learned Advocate for respondent No.2, on the last occasion, had made a statement that the matter has been compromised between the husband and wife and they had filed petition for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, before the Civil Judge Senior Division, Shrigonda and therefore, respondent No.2 was asked to file an affidavit and take instructions. Accordingly, respondent No.2 has filed an affidavit reiterating the terms which were already incorporated in the petition under Section 13-B of the Hindu Marriage Act, 1955.

3. Now, learned Advocate for respondent No.2 submits that, yesterday, his client was informed that the decree has been passed by the learned trial Court. One of the condition i.e. condition No.6 states that they have decided to take back the criminal as well as civil proceedings filed against each other. The same fact has been reiterated in the affidavit-in-reply filed by respondent No.2.

4. In view of this situation and the fact that Section 498-A of I.P.C. is non-compoundable, it would be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure, 1973. We therefore, proceed to pass the following order.

ORDER

1. The application stands allowed.
2. The First Information Report vide C.R. No.0360 of 2022, dated 24.08.2022, registered with Belwandi Police Station, Tq. Shrigonda, Dist. Ahmednagar and the proceedings in R.C.C. No.532 of 2022, pending before the learned Judicial Magistrate First Class, Shrigonda, Dist. Ahmednagar i.e. charge-sheet No.197 of 2022, filed on 05.12.2022, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 stands quashed and set aside as against the applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE