

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

932 CRIMINAL WRIT PETITION NO. 1580 OF 2025

VICKY DHARMARAJ KHADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Ms. Manasi Marathe, Advocate holding for Mr.Akshay
Deshmukh, Advocate for the petitioners.

Mr. S.R. Wakale, A.P.P. for respondent No.1 – State.

Mr. P.S. Dikle, Advocate for respondent No.2.

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

DATED : 9 DECEMBER 2025.

Per Court :

1. Leave to correct the place of registration of F.I.R. as 'Chhatrapati Sambhajinagar' instead of 'Pune' in the petition.
2. Heard rival submissions.
3. Present writ petition is filed by the petitioners, who are the accused persons in R.C.C. No. 380/2025 for quashing F.I.R. No. 25/2025 registered at M.I.D.C. Waluj Police Station, Chhatrapati Sambhajinagar for the offences punishable under Sections 85, 86, 352, 351 (2), 3(5), 115 (2) of the Bharatiya Nyaya Sanhita alongwith charge-sheet arising out of it as well as the aforesaid criminal proceeding.

4. Admittedly, marriage of respondent No.2 was solemnized with petitioner No.1 on 16.03.2024. However, after four months only, dispute arose between them and respondent No.2 started living separately from 30.07.2024. Thereafter vide aforesaid F.I.R. dated 08.01.2025, respondent No.2 made allegations against the petitioners about her ill-treatment. Initially petitioner No.1 had filed divorce petition against respondent No.2 under Section 13 1 (ia) of the Hindu Marriage Act, 1955. However, thereafter due to intervention of elderly persons, they resolved their *inter se* dispute and accordingly petition under Section 13B of the Hindu Marriage Act was filed by petitioner No.1 and respondent No.2 for divorce by mutual consent, which is now pending before the learned Civil Judge, Senior Division at Vasai.

5. Learned counsel for respondent No.2, on instructions, submits that respondent No.2 had also filed two litigations before the Family Court, Chhatrapati Sambhajanagar, one under Section 125 of the Code of Criminal Procedure for getting maintenance and another under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. These two petitions are already withdrawn by respondent No.2 after their settlement and the said fact is also confirmed by the petitioners.

6. Today, respondent No. 2 has filed consent affidavit mentioning that petitioner No.1 and herself have mutually agreed for ending their matrimonial tie and for that purpose the petition under Section 13B of the Hindu Marriage Act for dissolution of marriage by mutual consent, is also pending. Learned counsel for the petitioners has also produced on record copy of said Marriage Petition No.626 of 2025. On going through the same, it appears that petitioner No.1 as well as respondent No.2 have decided to get separated by the decree of divorce. It further appears that petitioner No.1 has also agreed to pay one time permanent alimony to the tune of Rs. 5,50,000/- to respondent No.2, out of which an amount of Rs. 2,00,000/- is already deposited in the concerned Court at Vasai. Further, respondent No.2, who is present before this court, submits that it is agreed by the petitioners to return her *Stridhan* and the remaining amount of Rs. 3,50,000/- to her at the time of further consideration of the aforesaid marriage petition i.e. on 10.04.2026.

7. Respondent No.2 further submits that she does not want to proceed with the aforesaid criminal case in view of compromise took place between herself and petitioner No.1. She also confirms the contents of consent affidavit to that effect. As such, taking into consideration the settlement took

place between the parties, continuation of criminal proceeding against the petitioners would be an abuse of process of law.

8. In view of the above, the petition stands allowed and F.I.R. in C.R. No. 24/2025 dated 08.01.2025 registered with M.I.D.C. Waluj Police Station, Chhatrapati Sambhajnagar for the offences punishable under Sections 85, 86, 352, 351 (2), 3(5), 115 (2) of the Bharatiya Nyaya Sanhita alongwith charge-sheet and R.C.C. No. 380/2025 arising out of it, stand quashed and set aside.

(Y.G. KHOBRAGADE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE