

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3721 OF 2025

Shriraj Ashokkumar Birajdar & Ors. ... Petitioners

Versus

The State of Maharashtra & Anr. ... Respondents

WITH

WRIT PETITION NO. 437 OF 2021

Sou. Vijaya Ashish Pawale @

Vijayalaxmi Birajdar ... Petitioner

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Akshay R. Kulkarni for the Petitioners.

Mr. Avinash Naik, A.P.P. for the Respondent No.1-State.

Mr. Abhijit Kulkarni a/w. Mr. Abhay Jadhavar for Respondent No.2-original complainant.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 4th November 2025.

P. C. :

1. Husband (Petitioner No.1), In-laws (Petitioner Nos.2 & 3) in Writ Petition No. 3721 of 2025 and Petitioner (sister-in-law) in Writ Petition

No. 437 of 2021, of the Respondent No.2-original complainant (wife) have filed present Petitions for quashing of C.R. No. 503 of 2019, dated 18th June 2019, registered with Barshi City Police Station, District Solapur, for the offences punishable under Sections 498A, 420, 323, 504, 506 read with 34 of the Indian Penal Code, which is now culminated into R.C.C. No. 402 of 2021, with the consent of Respondent No.2-original complainant.

2. Heard Mr. Akshay Kulkarni, learned counsel for the Petitioners, Mr. Avinash Naik, learned A.P.P. for the Respondent No.1-State and Mr. Abhijit Kulkarni, learned counsel for the Respondent No.2 and Smt. Shruti Shriraj Birajdar, i.e. Respondent No.2. Perused entire record produced before us.

3. Learned Advocate for Respondent No.2 (wife) tendered across the bar Affidavit of Respondent No.2 dated 3rd November 2025 duly affirmed before a Notary Public. The said Affidavit is taken on record and marked “X” for identification. It is stated therein that, Respondent No.2 (wife) and Petitioner No.1 (husband) in Writ Petition No.3721 of 2025 have filed Petition for grant of decree of divorce by mutual consent being Petition-F No. 102 of 2025 before the Family Court at Solapur. The sum and substance of the submissions by parties is that the entire dispute amongst them are now resolved. The husband and wife have agreed to

dissolve the marriage by seeking a decree of divorce and that as per their settlement, the parties have agreed not to proceed with the criminal prosecutions whatever pending. In view of this, to make the settlement fruitful, parties have decided to get all the cases pending between them disposed of.

4. In view of this, in para Nos.5 & 6 of the Affidavit filed by the Respondent No.2 (wife), she has given consent for quashing of the said C.R. along with Chargesheet bearing R.C.C. No. 402 of 2021.

5. Respondent No.2 is personally present in the Court and reiterates the contents of her Affidavit dated 3rd November 2025 and her 'no objection' for quashing of the said C.R. along with Chargesheet bearing R.C.C. No. 402 of 2021.

6. Considering that the dispute between the parties is matrimonial dispute and subsequently the parties have amicably settled the dispute and have proceeded to dissolve the marriage by mutual consent by filing necessary petition, we find that no fruitful purpose would be served in continuing the criminal prosecution of the Petitioners. View taken by us is supported by the decision of the Hon'ble Apex Court in case of *Gian Singh Vs. State of Punjab and another, reported in 2012 (10) Supreme Court Cases 303* and *Narinder Singh and others Vs. State of Punjab and another, reported in (2014) 6 Supreme Court Cases 466*.

7. In view thereof, both the Petitions are allowed in terms of prayer clauses (b) & (b-1). Accordingly, C.R. No. 503 of 2019, dated 18th June 2019, registered with Barshi City Police Station, District Solapur, and consequential proceedings being R.C.C. No. 402 of 2021 are hereby quashed and set-aside.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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KUMBHAKARN

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by OMKAR
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