

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

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (A.PL.) NO. 1530 OF 2023

Nikhil Machindra Ghadge & Ors. ... Applicants

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Sarang S. Aradhye a/w. Mr. Shantanu Gurav for the Applicants.
Mr. A.S. Shalgaonkar, A.P.P. for the Respondent No.1-State.
Mr. Kirankumar J. Phakade for Respondent No.2.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 25th September 2025.

P. C. :

1. Present Petition seeks quashing of F.I.R. bearing C.R. No. 349 of 2023 dated 25th September 2023 registered with Kavathe Mahankal Police Station, District Sangli, under Sections 498A, 406, 323, 504, 506 read with 34 of the Indian Penal Code (I.P.C.) and the consequential Chargesheet dated 13th December 2023, which was filed before the trial Court.

2. Learned counsel appearing for Respondent No.2-original complainant has tendered an Affidavit dated 24th September 2025 on behalf of the Respondent No.2. The Affidavit is taken on record. He would further point out that the parties have filed the Consent Terms before the learned Judicial Magistrate (First Class). He submits that the parties have decided to file a Petition for divorce by mutual consent and in view of the amicable settlement, the Respondent No.2-complainant does not desire to prosecute the criminal proceedings and agreed to withdraw all proceedings including the D.V. Act proceedings.

3. The Respondent No.2 is personally present in the Court and she reiterates the terms of the Consent Terms as well as the contents of the Affidavit. Her identity is verified by her counsel. We have interacted with the Respondent No.2 and are satisfied that the settlement has been arrived at voluntarily.

4. The proceedings arise due to the matrimonial discord between the parties. The parties have now amicably settled their disputes as indicated by the Consent Terms filed before the learned Judicial Magistrate (First Class) in D.V. proceedings. Considering the amicable settlement between the parties, the continuance of the criminal proceedings would be an exercise in futility, as it would not lead to any fruitful outcome.

5. In view of the decision of the Hon'ble Supreme Court in the case of

*Narinder Singh v. State of Punjab*¹ and *Gian Singh v. State of Punjab*², this is a fit case where the proceedings are required to be quashed.

6. In the light of the above, the Writ Petition is allowed. The F.I.R. bearing C.R. No. 349 of 2023 dated 25th September 2023 registered with Kavathe Mahankal Police Station, District Sangli, under Sections 498A, 406, 323, 504, 506 read with 34 of I.P.C. and the consequential Chargesheet dated 13th December 2023 are hereby quashed.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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1 (2014) 6 SCC 466

2 (2012) 10 SCC 303