



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO.704 OF 2024

1. Shri Vinay s/o Suresh Wagh, aged about 33 years, Occ. Service.
2. Shri Suresh Gangaram Wagh, aged about 68 years, Occ. Retired,
3. Smt. Saraswati Suresh Wagh, aged 64 years, Occ. Household,
4. Shri Vaibhav Suresh Wagh, aged 42 years, Occ. Service
5. Smt. Suchita Vaibhav Wagh, aged 35 years, Occ. Household.
6. Smt. Vaishali Ganesh Sanap, aged 40 years, Occ. Household,
7. Shri Ganesh Sanap, aged 44 years, Occ. Service, Now all r/o Lohgaon Yerwada, Vishrantwadi Dhanori Jakat Naka, forward road, Chintamani Concrete, A-Wing, Flat No. 201, Puspak Society, near Kamala Deiry, Pune, Tq. And Distt. Pune.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer of Police Station, Malegaon, Distt. Washim.

2. Sau. Mohini w/o Vinay Wagh, aged about 26 years, Occ. Pvt. Now r/o c/o Subhash Dinkarro Sangle r/o Pagarabandi, Tq. Malegaon, Dist. Washim.

... NON-APPLICANT(S)

Shri A.B. Moon, Advocate for the applicants.
Shri G.S. Umale, Addl. Public Prosecutor for the State.
Shri R.N. Ghuge, Advocate for non-applicant no.2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATE : 09.06.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

. **RULE.** Rule made returnable forthwith.

2. By this application, the applicants are seeking quashment of First Information Report No.511 of 2023 registered with the Malegaon Police Station, District Washim for the offence punishable under Sections 323, 498A, 504 and 506 of the Indian Penal Code.

3. Learned Counsel for the applicants and learned Counsel appearing for non-applicant no.2 jointly made a statement that there was matrimonial discord between the parties, which has been now settled between the parties in terms of mutual divorce.

4. Learned Counsel appearing for non-applicant no.2 filed an affidavit on record to confirm the fact that there was mutual divorce between them. She further added that as per terms and condition of mutual divorce she has no objection to quash and set aside the criminal offence registered against the applicants. She stated that other criminal cases had been withdrawn by her from respective Court.

5. It is observed by the Hon'ble Supreme Court in the case of *B.S. Joshi vs. State of Haryana AIR 2003 SC 1386* as well as in the case of *Narinder Singh and ors. vs. State of Punjab and ors. (2014) 6 SCC 466*, the Court should exercise the powers to quash and set aside the proceeding arising out of matrimonial dispute when parties have resolved their entire dispute amongst themselves by amicable settlement.

6. In view of above, there is no impediment to quash and set aside the criminal proceeding pending against the applicants. Accordingly, we pass the following order :

(a) The Criminal Application is allowed.

(b) First Information Report No.511 of 2023 registered with the Malegaon Police Station, District Washim for the offence

punishable under Sections 323, 498A, 504 and 506 of the Indian Penal Code, is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR , J.)

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