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

CRIMINAL APPLICATION NO.472 OF 2025

Vitthal Laxman Kakade, aged about 37 years, Occ. Service, R/o Yashraj Complex, Sadashiv Nagar, Sector 5, Dabhadi, Pune.

... APPLICANT

VERSUS

1. State of Maharashtra, through Police Station Officer, Umarkhed, District Yavatmal.

2. Sau. Mamta Vitthal Kakde, aged about 27 years, Occ. Household, R/o C/o Madhavrao Sambhaji Bhoskar, Ankhule layout, Laxmi Nagar, Umarkhed, District Yavatmal.

... NON-APPLICANT(S)

AND

CRIMINAL APPLICATION NO.629 OF 2022

Vitthal Laxman Kakade, aged about 32 years, Occ. Service, R/o Yashraj Complex, Sadashiv Nagar, Sector 5, Dabhadi, Pune.

(Disposal of as withdrawn as per Court's order dated 02.05.2022.)

2. Laxman Manikrao Kakde, aged about 65 years, Occ. Agriculturist, R/o Marsul, Tq. Umarkhed, District Yavatmal.

3. Sau. Bhagirathabai Laxman Kakde, aged about 60 year, Occ. Agriculturist, r/o Marsul, Tq. Umarkhed, District Yavatmal.

4. Datta Laxman Kakde, aged about 40 years, Occ. Agriculturist, r/o Marsul, Tq. Umarkhed, District Yavatmal.

5. Sau. Archana Datta Kakde, aged about 30 years, Occ. Agriculturist, r/o Marsul, Tq. Umarkhed, District Yavatmal.

6. Sau. Vaijanta Prakash Hulkane, aged about 46 years, Occ. Household, r/o Subhash Nagar, Kinwat, Tq. Kinwat, District Nanded.

7. Prakash Gangadhar Hulkane, aged about 50 years, Occ. Service, r/o Subhash Nagar, Kinwat, Tq. Kinwat, District Nanded.

8. Yogesh Sahebrao Chokare, aged about 46 years, Occ. Agriculturist, r/o Kamari, Tq. Inayat Nagar, District Nanded.

9. Sau. Neema Yogesh Chokare, aged about 42 years, Occ. Housewife, r/o Kamari, Tq. Inayat Nagar, District Nanded.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Umarkhed, District Yavatmal.

2. Sau. Mamta Vitthal Kakde, aged about 27 years, Occ. Household, R/o C/o Madhavrao Sambhaji Bhoskar, Ankhule layout, Laxmi Nagar, Umarkhed, District Yavatmal.

... NON-APPLICANT(S)

Shri S.S. Singalkar, Advocate for the applicants.
Ms. S.Z. Haider, Additional Public Prosecutor for non-applicant no.2/State.
Shri V.R. Thote, Advocate for non-applicant no. 2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATE : 06.05.2025.

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

. RULE. Rule made returnable forthwith.

2. Both these applications are arising out of same Crime bearing First Information Report No.681/2021. In Criminal Application No.472/2025, applicant is the husband of non-applicant no.2 and in

Criminal Application No.629/2022, the applicants are the in-laws of non-applicant no.2. Hence both the matters are taken together for final disposal.

3. By these applications, the applicants are seeking quashment of criminal proceeding bearing R.C.C. No. 2 of 2022 arising out of First Information Report No.681 of 2021 registered with the Umarkhed Police Station, District Yavatmal for the offence punishable under Sections 323, 324, 498A, 452, 504, 506 read with Section 34 of the Indian Penal Code.

4. Learned Counsel for non-applicant no.2 made a statement that there was matrimonial discord and out of misunderstanding, the complaint was lodged against the applicants. However, during the pendency of the application, their entire dispute has been amicably resolved.

5. Learned Counsel appearing for non-applicant no.2 filed an affidavit on record and submitted that in terms of settlement she has received the amount of Rs.15 lakhs towards full and final settlement. Accordingly, she does not want to prosecute the criminal proceedings registered against the applicants and willing to withdraw all the

allegations made by her against the present applicants.

6. 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.

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

(a) The Criminal Applications are allowed.

(b) Criminal proceeding bearing R.C.C. No.2 of 2022 arising out of First Information Report No.681 of 2021 registered with the Umarkhed Police Station, District Yavatmal for the offence punishable under Sections 323, 324, 498A, 452, 504, 506 read with Section 34 of the Indian Penal Code, is hereby quash and set aside against the present applicants.

(PRAVIN S. PATIL, J.) (ANIL S. KILOR , J.)

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