



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

CRIMINAL APPLICATION NO.395 OF 2025

1. Jai @ Vidyadhar Vijay Tagalpallewar,
aged about 38 years, Occ. Business,
2. Vijay Shriram Tagalpallewar, aged about
67 years, Occ. Business, Both 1 & 2 r/o
Plot No. 71 B, Pooja layout, Nr. Shishakti
Medical Store, Jaitala, Nagpur MS.
3. Virendra Vijay Tagalpallewar, aged about
43, Occ. Private Service.
4. Dhanshree Virendra Tagalpallewar, aged
about 37, Occ. Housemaker, Both 3 & 4,
r/o House no.3796, Hingna Road,
Pandurang Nagar, Maharashtra - 440016

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police
Station, Wani District Yavatmal, M.S.
2. Ruchika w/o Jai Vidyadhar
Tagalpallewar (Ruchika d/o Rajeev
Padamawar) aged about : 35, Occ.
Housemaker, r/o Behind L.T. College,
Wani, Dist. Yavatmal, M.S.

... NON-APPLICANT(S).

Ms Nisha Burande, Advocate for the applicants.
Shri G.S.Umale, Addl.P.P. for the State.

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

DATE : 29.04.2025.

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

RULE. Rule made returnable forthwith.

2. By this application, the applicants seeking quashment of charge-sheet bearing R.C.C. No. 270 of 2018 arising out of First Information Report No.1092 of 2017 registered with the Wani Police Station, District Yavatmal for the offence punishable under Sections 506, 504, 498A read with Section 34 of the Indian Penal Code, on account of mutual agreement.

3. The applicants made a submission that the matrimonial dispute has been settled before the Family Court, Nagpur. However, since the offence registered under Section 498A of the IPC being not compoundable, by invoking inherent powers of this Court praying for setting aside the offence registered against him and consequential proceedings as stated above.

4. In the present matter, non-applicant no.2 is duly served. The applicant filed service affidavit on record. But none appeared for non-applicant no.2 though served.

5. In support of submission, the applicants has placed on record the copy of the mutual divorce petition and the judgment and order passed by the Family Court, Nagpur in Petition No.437 of 2024 dated 02.12.2024 by which the marriage between the applicant no.1 and non-applicant no. 2 held to be dissolved. The applicant further placed on record the copy of the mutual agreement dated 23.10.2024 and copy of Demand Draft of Rs.4,50,000/- dated 02.12.2024 in the name of non-applicant no.2. As such, it is his submission that as per the terms of mutual divorce, non-applicant no.2 has agreed to withdraw the criminal case lodged by her and therefore, there is no impediment to set aside the criminal proceedings against them.

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 aforesaid document placed on record, it is clear that the matrimonial dispute between the applicants and non-applicant no.2 is amicably settled and the applicant/husband has paid permanent alimony to the non-applicant no.2. It is also admitted by non-applicant no. 2 that she is ready to withdraw all allegations against the applicants. As such, in view of the above factual as well as legal position, there is no impediment to accept the amicable settlement arrived between the parties and quash and set aside the criminal proceedings registered against the present applicants. Hence, we proceed to pass the following order :

- (a) The Criminal Applications are allowed.
- (b) Charge-sheet bearing R.C.C. No. 270 of 2018 pending on the file of 13th Civil Judge Junior Division, Wani arising out of First Information Report No.1092 of 2017 registered with the Wani Police Station, District Yavatmal for the offence punishable under Sections 506, 504, 498A read with Section 34 of the Indian Penal Code, is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

Trupti