



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No. 1136 of 2021

1. Vinod Digambar Narwade,
Age about 37 years, Occ. Lawyer
2. Digambar Namdeo Narwade,
Age 71 years, Occ. : Retired
3. Padmabai Digambar Narwade,
Age 55 years, Occ. Household,
Applicants 1 to 3 R/o Ganpati Lane,
Ward No. 15, Mehkar, Tq. Mehkar,
District Buldana
4. Mayur Digambar Narwade,
Age 38 years, Occ. Service
R/o Quarter No.11, Type-1,
Group Centre, CRPF, Talegaon
Dabhade, District Pune
5. Mrugendra Digambar Narwade,
Age 35 years, Occ. Service
R/o H.S.No. 8, Prashant Nagar, Jalna,
Tq. and District Jalna
6. Sagar Digambar Narwade,
Age 29 years, Occ. Service,
R/o Flat No. 101, Madhunanda
Apartment, Shiv Palace, Wagholi, Pune
7. Sandeep Digambar Narwade,
Age 27 years, Occ. Service
R/o Plot No. 15, Dharam Karam Road,
BK Guda, SR Nagar, Hyderabad
8. Sunita Mayur Narwade,
Age 32 years, Occ. Household
R/o Quarter No.11, Type-1,
Group Centre, CRPF, Talegaon

Dabhade, District Pune

9. Rupali Mrugendra Narwade
Age 31 years, Occ. Household
R/o H.S.No.8, Prashant Nagar, Jalna,
Tq. and District Jalna
10. Vaishali Sagar Narwade,
Age 25 years, Occ. Household
R/o Flat No. 101, Madhunanda
Apartment, Shiv Palace, Wagholi
11. Mukta Sandeep Narwade,
Age 22 years, Occ. Household
R/o Plot No. 15, Dharam Karam Road,
B.K.Guda, SR Nagar, Hyderabad

... Applicants

// VERSUS //

1. The State of Maharashtra through
Police Station Officer, Police Station
Washim City, District Washim
2. Deepali W/o Vinod Narwade,
Aged 32 years, Occ. Household,
C/o Dyaneshwar Tukaram Hazare,
Radha Krushna Nagar, Civil Lines,
Washim, Taluka and District Washim

... Non-applicants

Shri S.B.Gandhe, Advocate for the applicant.

Ms. Shamsi Haider, APP for the non-applicant/State

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 26th MARCH, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken for final disposal.

2. By way of present application, the applicants seeks to quash and set aside the Regular Criminal Case No. 290 of 2024 pending on the file of Chief Judicial Magistrate, Washim arising out of First Information Report dated 10th August, 2021 registered vide Crime No. 1211 of 2021 with Police Station, Washim and charge-sheet dated 16th July, 2024 for the offence punishable under Sections 498-A, 504, 506, 323, 294 read with Section 34 of the Indian Penal Code.

3. On 10th August, 2021, non-applicant no.2 lodged the complaint to the Police Station Washim against the present applicants by alleging that out of matrimonial discord she has suffered ill-treatment at the hands of applicants. Accordingly, vide Crime No. 1211 of 2021, the offences under Sections 498-A, 504, 506, 323, 294 read with Section 34 of the Indian Penal Code were registered and consequently Regular Criminal Case No. 290 of 2024 is pending before the Chief Judicial Magistrate, Washim.

4. After that non-applicant no.2 lodged further police report to Police Station Washim against applicant no.1. The same was registered vide Crime No. 624 of 2022 and after investigation, the case was

registered before the Judicial Magistrate First Class-2, Washim as Summary Criminal Case No. 1832 of 2022. The same was challenged by applicants before this Court vide Criminal Application No. 247 of 2025. In Criminal Application No. 247 of 2025, non-applicant no.2 has filed affidavit dated 6th March, 2025 and she stated that their matrimonial dispute has been amicably settled, in terms of settlement stated in the petition for mutual divorce before the Civil Judge, Senior Division, Washim. As such she has categorically made a statement that she has no objection if the First Information Report and consequential proceeding registered against the applicants in present case is quashed and set aside.

5. In present matter, non-applicant no.2 states that her affidavit filed in Criminal Application No. 247 of 2025 be treated as affidavit in the present case, as it is a matter of record that in view of settlement terms of mutual divorce petition, she has agreed to withdraw all allegations and complaints lodged against applicants.

As such, considering the fact that, in mutual divorce petition there is specific condition that non-applicant no.2 has no objection to

quash proceeding pending against applicants in Regular Criminal Case No.290 of 2024, we have accepted the statement of non-applicant no.2.

6. Hon'ble Supreme Court of India, time and again held that it is the duty of the Court to encourage genuine settlement of matrimonial dispute. It is also held that if for the purpose of securing ends of justice, quashing of FIR becomes necessary, Section 320 of Code of Criminal Procedure would not be a bar to exercise the power of quashing of First Information Report. This view is recently reiterated by the Hon'ble Supreme Court in the case of B.S.Joshi and others Vs. State of Haryana and another reported in 2003(4) SCC 675.

7. In view of the amicable settlement between applicant no.1 and non-applicant no.2 and as per the terms of mutual divorce petition pending before Civil Judge, Senior Division, Washim, that non-applicant no.2 do not want to proceed against the applicants, we have no hesitation to allow the present application. Accordingly, we proceed to pass the following order.

ORDER

- i. Criminal Application No. 1136 of 2021 is allowed;
- ii. Regular Criminal Case No. 290 of 2024 pending on the file of Chief Judicial Magistrate, Washim arising out of charge-sheet dated 16th July, 2024 for the offence punishable under Sections 498-A, 504, 506, 323, 294 read with Section 34 of the Indian Penal Code is hereby quashed and set aside.

Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]