



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1022 CRIMINAL WRIT PETITION NO.1558 OF 2025

1. Nitin Jalba Haibate,
age-40 years, Occ. Service as Trackmaintainer,
2. Shital w/o Nitin Haibate,
age 35 years, Occ. Household.

Both R/o of 17/3, Railway Colony,
Umari, Tq. Umari, Dist. Nanded.

Petitioners.

Versus.

1. The State Of Maharashtra,
through Police Inspector,
Vimantal Police Station, Nanded
District Nanded.
2. The Superintendent of Police,
Nanded, Tq. & Dist. Nanded.
3. Tejasvini w/o Rohit Hatagale,
age 30 years, Occ. Service,
R/o. At present C/o Pradeep Tidke,
infront of Renukai Hospital, Balaji Nagar,
Nanded – 431 605. Respondents.

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**WITH
CRIMINAL WRIT PETITION NO. 1576 OF 2025**

1. Rohit Panditrao Hatagale,
age 32 years, Occ. Nil.
2. Pandit s/o Santram Hatagale,
age 63 years, Occ. Retired.
3. Sushila w/o Panditrao Hatagale,
age 56 years, Occ. Household.

All R/o 1/15/852, Gandhi Nagar,
Near Quality Tailor, Taroda (BK),
Nanded, Dist. Nanded.

Petitioners.

VERSUS

1. The State Of Maharashtra,
through Police Inspector,
Vimantal Police Station, Nanded
District Nanded.
2. The Superintendent of Police,
Nanded, Tq. & Dist. Nanded.
3. Tejasvini W/o Rohit Hatagale,
age 30 years, Occ. Service,
R/o. At present C/o Pradeep Tidke,
infront of Renukai Hospital, Balaji Nagar,
Nanded – 431 605. Respondents.

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Advocate for Petitioners : Mr.A.B.Dhongade h/f S.N. Lavekar
APP for Respondents: Mr. S.N. Kendre
Respondent no.3 : Served.

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 07, 2026

FINAL ORDER :-

1. Present writ petitions are filed for quashment of the FIR dated 30.9.2025 in Crime No.397 of 2025 registered with Vimantal Police Station, Nanded for the offences punishable under sections 85, 115(2), 352, 351(2) and 351(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023. Criminal writ petition no.1558 of 2025 is filed by sister-in-law and her husband,

whereas criminal writ petition no.1576 of 2025 is filed by husband, father-in-law and mother-in-law of the informant.

2. During pendency of present writ petitions, amendment is carried out to raise challenge to charge-sheet and further proceedings in RCC No.1973 of 2025 and cognizance order dated 30.10.2025 passed by the learned Magistrate.

3. On 5.12.2025 petitioners and respondent no.3 were present before Court. Respondent no.3-wife submitted that there is possibility of amicable settlement and consented to appoint Mediator. Accordingly, Mr. G.G. Suryawanshi, learned advocate was appointed as Mediator and parties were directed to appear before him.

4. On 25.2.2026 Mediator submitted his report of successful mediation alongwith terms and conditions of settlement duly signed by the parties. The report indicates that husband had filed the petition No.A-308 of 2025 under section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights. On 13.12.2025 it was listed before the National Lok Adalat, at Nanded. Similarly, PWDVA No.162 of 2025 filed by the wife was also listed before National Lok Adalat. Parties had amicably settled the dispute. Since 27.11.2025 husband and

wife are living together and wife given consent to allow present criminal writ petitions.

5. Apparently, the parties have genuinely settled the matrimonial dispute. Respondent no.3 and husband are residing together in view of settlement. In this backdrop, reference can be given to the observations of the Hon'ble Supreme Court of India in case of **Narinder Singh and Others Versus State of Punjab and another (2014) 6 SCC 466**, wherein Supreme Court ruled out that inherent powers of High Court can be exercised to quash criminal proceeding in respect of matrimonial disputes in case it is found that there is genuine settlement. In paragraph no.31 observed as under :-

“31.Where criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationships or family disputes should be quashed when the parties have resolved their entire disputes among themselves. The possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

6. In this background, although section 498-A of the Indian Penal Code is non-compoundable, under section 359 of the BNSS, this Court finds that powers can be exercised under section 528 of the BNS. In result, criminal writ petitions are

allowed in terms of prayer clause “B”, B-1 and B-2 and disposed of.

(S. G. CHAPALGAONKAR, J.)

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