IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 883 OF 2026

Vitthal Bhagwan Kavathe ..PETITIONERS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

SHAILAJA SHRIKANT HALKUDE
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Date: 2026.11.06 16:13:55 +0530

CRIMINAL WRIT PETITION NO. 1499 OF 2025

1. Bhagavan Rama Kavathe
2. Sunita Bhagavan Kavathe
3. Rupali Amol Miragane ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. R.K. Bobade a/w Mr. P.P. Mali and Ms. S.K. Nakadi, Advocate for petitioners
Mr. A.S. Shalgaonkar, A.P.P. for Respondent No.1 – State in CRWP/1499/25
Mr. A.A. Naik, A.P.P. for Respondent No.1 – State in CRWP/883/26
Mr. D.A. Utture a/w Mr. R.R. Raut and Mr. C.V. Patil, Advocates for Respondent No.2
Mr. B.B. Hange, Police Constable, Barshi Taluka Police Station, Dist. Solapur

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CORAM : ABHAY J. MANTRI, J.
DATE : 05th NOVEMBER, 2026

ORAL JUDGMENT :

1. Mr. Utture, learned counsel for Respondent No. 2, submits that he has just received the vakalatnama from his client, i.e. Respondent No. 2. Therefore, he submits that the office be directed to accept the same. The office

is directed to accept the vakalatnama filed on behalf of Respondent No. 2 within three weeks.

2. **Rule**. Rule made returnable forthwith and heard finally with the consent of learned counsel for the parties.

3. The petitioner in Criminal Writ Petition No. 883 of 2026, who is the husband, whereas the petitioners in Criminal Writ Petition No. 1499 of 2025, who are the in-laws of Respondent No.2 – complainant, have invoked the inherent jurisdiction of this Court to quash the F.I.R. bearing Crime No. 246 of 2024 registered with Barshi Taluka Police Station, Dist. Solapur, for offences punishable under Sections 498-A, 313, 323, 354-A, 377, 504 and 506 read with Section 34 of the Indian Penal Code (for short, '***IPC***') and the consequential proceedings bearing Sessions Case No. 156 of 2024 pending before the learned Sessions Court, Barshi. As both petitions arise out of the same crime, as referred above, they are taken together for hearing.

4. Heard learned counsel for the petitioners, Respondent No. 2, and learned A.P.P. in both the petitions and perused the record and the affidavit giving consent filed by Respondent No. 2 in the Court.

5. On 13th August, 2024, the report was lodged by the Respondent No. 2 against the petitioners /accused persons alleging that they have subjected her

to cruelty on account of demand of dowry. They also asked her to abort. She made allegations against the husband that he has voluntarily committed carnal intercourse against the order of nature with her. He also harassed her and threatened to kill her. Based on her complaint, Crime No. 246 of 2024 was registered. After registering the crime, the police investigated and filed a charge-sheet in the Trial Court. Hence, the petitioners have preferred these petitions.

6. During the pendency of the petition, the matter has been amicably settled between the parties out of court. Accordingly, learned counsel for the Petitioners and Respondent No. 2 submitted that the matter has been settled between the parties; accordingly, Respondent No. 2 does not want to proceed with the F.I.R. and the proceedings filed against the Petitioners. As such, they have executed consent terms.

7. Today, both parties tendered the Consent Terms. The same is taken on record, marked '***X***' for identification purposes, and kept in Criminal Writ Petition No. 1499 of 2025. They also submitted that the parties are present in the Court. Respondent No. 2 also filed an independent affidavit in both the Petitions, consenting to quash the F.I.R. and consequential proceedings against the petitioners. The same is also taken on record.

8. Today, the petitioners and Respondent No. 2 are present before the Court and have been identified by their respective counsel. The Petitioners and Respondent No. 2 have admitted the terms of settlement in consent terms as true and correct. They have also admitted their signatures on the said consent terms, which their respective counsel identified. The contents of the consent terms are taken on record as an undertaking of the parties to this Court.

9. Respondent No. 2 submitted that the matter has been settled between her and the petitioners. Accordingly, the petitioners have agreed to hand over 80 R land as mentioned in Clauses 3(a) to 3(e) to her within 90 days from the date of this order. Said averment in the consent terms has been taken on record as an undertaking of the petitioners to the Court. Therefore, she has voluntarily given no objection to quash the F.I.R. and consequential proceedings bearing Sessions Case No. 156 of 2024 against the petitioners.

10. Learned counsel for the Petitioners in both the Petitions have voluntarily expressed their willingness to deposit Rs.10,000/- in each petition with the "*Army Central Welfare Fund*" to set the criminal law in motion, details of which are as under :-

Bank : Union Bank of India
IFSC : Sarafa Market, Chandni Chowk, Delhi – 110006
A/c No.: 520101236373338

11. In light of the settlement of the matter and no objection of Respondent No. 2, in my considered opinion, continuation of proceedings against the petitioners would amount to abuse of the process of law and would not serve the ends of justice. Moreover, the offence is neither heinous nor antisocial, but the same arises out of a matrimonial dispute. As such, this is a fit case for exercising inherent powers of this Court to secure ends of justice.

12. In the result, ***Criminal Writ Petitions are allowed in terms of prayer clause (c),*** subject to the Petitioners depositing Rs.10,000/- (Rupees Ten Thousand) in each petition with the "*Army Central Welfare Fund*", as mentioned in para 10 above, by 26th November, 2026, failing which this order shall stand vacated.

(ii) **The Rule is made partly absolute in the above terms**.

(iii) Inform the concerned Court accordingly.

(iv) The Petitions are disposed of.

(v) Stand over to **27th November, 2026**, for noting compliance.

(ABHAY J. MANTRI, J.)

SSD