

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1780 OF 2024

Baswaraj Jagannath Jawalgekar & Ors.

.. Applicants

Vs.

The State of Maharashtra,

Through In-Charge Police Officer,

Chikhali Police Station, Pimpri-Chinchwad & Anr.

.. Respondents

Mr. Shrirang Katneshwarkar, i/by Mr. Fayaz K. Patel, for the Applicants.

Ms. Pallavi Dabholkar, A.P.P. for the Respondent-State of Maharashtra.

Mr. Pranav Pokale with Mr. Chinmay Sawant, Advocates for Respondent No.2.

Mr. Navanath Mote, API, Chikhali Police Station is present in Court.

CORAM : GAUTAM A. ANKHAD, J.

DATE : 11TH MARCH 2026.

[THROUGH HYBRID HEARING]

P.C. :

1. The Applicants are the original accused nos.1 to 7 in First Information Report no.450 of 2021 registered on 11th September 2021 at Chikhali Police Station, Pimpri-Chinchwad for the offences punishable under sections 498-A, 323, 504 and 34 of the Indian Penal Code, 1860. The Applicants seek quashing of the said First Information Report on the ground that the parties have obtained a divorce by consent.

2. Mr. Katneshwarkar, learned advocate for the Applicants draws my attention to the divorce decree and in particular paragraph no.10, which reads as follows:

“10. That the petitioner no.1 has filed complaint against the petitioner no.2 and his family members under sections 498-A, 323, 504, 34 of IPC which is pending before the Hon’ble J.M.F.C. at Pimpri said complaint registered as R.C.C. No.1258/2022. The petitioner no.1 filed above complaint under the misunderstanding. However, petitioner no.1 has agreed to unconditionally withdraw the above complaint.”

3. The learned advocate for the Applicants further submits that Respondent no.2 has filed an affidavit-of-consent dated 24th September 2025 recording her consent to quash the First Information Report in terms of the divorce decree.

4. Mr. Pokale, learned advocate appearing for Respondent no.2 has no objection to the quashing of First Information Report by consent.

5. I have perused the record and clause 10 of the divorce decree which records the agreement that Respondent no.2 shall unconditionally withdraw a complaint. The affidavit-of-consent dated 24th September 2025 re-affirms that all disputes and differences between the couple have been settled and they have decided to withdraw all allegations unconditionally. In view of the above, no

fruitful purpose will be served in keeping the present proceedings pending. In view of the judgment in *Madduri Gangaraju alias Babu Rao v. Madduri Sunanda & Ors.*, 2025 SCC OnLine SC 1746, First Information Report no.450 of 2021 and all consequential proceedings are quashed and Criminal Application no.1780 of 2024 is allowed in terms of prayer clause (B), which reads as under:-

“(B) *This Hon’ble Court may be pleased to quash and set aside the Crime/FIR No.450 of 2021 registered at Chikhali Police Station, Pimpri-Chinchwad dated 11th September 2021 for the offence punishable under sections 498-A, 323, 504 and 34 of Indian Penal Code and charge-sheet bearing no.236 of 2022 filed in R.C.C. no.1258 of 2022 pending before Hon’ble Chief Judicial Magistrate, Pimpri to the extent of present Applicants.*”

[GAUTAM A. ANKHAD, J.]