

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

CRIMINAL APPLICATION (APL) NO. 1231 OF 2019

(Smt. Priyanka w/o Ashish Gulhane & Anr. vs. The State of Maharashtra thr. PSO, Wadgaon Road, Yavatmal, new name PS Awadhootwadi, Yavatmal & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri D.S. Jagyasi, Advocate for applicant No. 1.
Shri D.M. Kale, Advocate for applicant No. 2.
Shri S.P. Deshpande, Additional PP for the non-applicants.

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**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
JANUARY 13, 2020.**

The learned counsel for the parties make a statement that on 10.01.2020, the learned Family Court at Amravati has passed an order in H.M.P. No. A-187 of 2019 thereby granting divorce to parties by consent.

Earlier, the matter was adjourned to today, as the petition was to be listed before the Family Court, Amravati, on 10.01.2020.

In view of the statement made, as aforesaid, we have heard the learned counsel for the parties.

It appears that the applicants are husband and wife respectively and on a report lodged by

applicant No. 1 – wife, FIR No. 80 of 2014 was registered by Wadgaon Police Station, Yavatmal, FIR No. 03 of 2016 was registered by Kholapuri Gate Police Station, Amravati, FIR No. 51 of 2016 was registered by Police Station, Rajapeth, Amravati and FIR No. 429 of 2016 was registered by Police Station, Gadge Nagar, Amravati, against applicant No. 2.

Prayer in the application is for quashing of above numbered FIRs and proceedings, including proceedings initiated under Domestic Violence Act by applicant No. 1 - wife against applicant No. 2 - husband and his family members as detailed in paragraph No. 10 of the present application.

In the present application, jointly moved by the husband and wife, they have placed on record the agreement settling their dispute, which is marked as Annexure – ‘A’ to the application. According to it, both the applicants had resolved to obtain divorce by mutual consent and have also complied with making payment of Rs.13,00,000/- (Rs. Thirteen lakh only) to applicant No. 1 by applicant No. 2.

In the background of above facts and relying upon the judgment of the Hon’ble Apex Court in the case of Narinder Singh & Ors. vs. State of Punjab & Anr., reported in (2014) 6 SCC 466, wherein the Hon’ble Apex Court has held that if the parties have settled the dispute and no element of public loss is involved, they can be permitted to

compound the offence, we are inclined to allow the application as by continuing the prosecution, no fruitful purpose would be served.

In this view of the matter, application is liable to be allowed in terms of prayer clauses A to E of the application as the applicants have already deposited costs in compliance with order dated 27.11.2019.

Accordingly, Criminal Application is allowed and disposed of in above terms.

JUDGE

JUDGE

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