

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

Criminal Application (APL) No.454 of 2021

1. Swati w/o Shrikant Meshram,
Age: 25 years, Occ. Housewife,
R/o Palso Badhe, Borgaon Manju, Akola.
2. Shrikant S/o Krihnnarao Meshram,
Age: 32 years, Occ. Private.
3. Krishnrao Namdevrao Meshram,
Age: 60 years, Occ. Retired,
4. Sau. Pushpa Krishnnarao Meshram,
Age: 50 yrs., Occ. Housewife,
5. Chandrakant Krishnnarao Meshram,
Age: 28 yrs, Occ. Student,
All R/o Astha Vinayak Nagar, Jaitala,
Tq. & Dist. Nagpur.
6. Amol Shrikrishnnarao Sahare,
Age: 32 yrs, Occ. Gov. Servant,
7. Shobha Shrikrishnnarao Sahare,
Age: 60 years, Occ. Housewife,
Both R/o At Hirapur, Post. Nimkhed,
Tq. Anjangaon, Dist. Amravati.

...Applicants

Versus

The State of Maharashtra, through P.S. PSO,
Borgaon Manju, Dist. Akola. ...Respondent

Mr. N.P. Bhide, Advocate for applicant No.1

Mr.R.M. Tahaliyani, Advocate for applicant Nos.2 to 7

Ms. Trupti Udeshi, APP for the respondent – State

**CORAM : PRASANNA B. VARALE &
N.B. SURYAWANSHI, JJ**

DATED : 01st APRIL, 2021

ORAL JUDGMENT : (PER:- N.B. SURYAWANSHI, J.)

Heard learned counsel for the parties.

2. By this Application, filed under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of charge-sheet No.10 of 2021 and the further proceeding pursuant thereto, pending before the learned Judicial Magistrate First Class, Akola, on the basis of compromise between the parties. The application is verified by applicant No.1-wife and applicant No.2-husband. They are identified by their respective advocates.

3. The first applicant lodged a report against the applicant Nos.2 to 7, alleging commission of offences punishable under Sections 498-A, 406 and 504 read with Section 34 of the Indian Penal Code, which was registered as Crime No.81 of 2020 at Police Station Borgaon Manju, Dist. Akola. In pursuance of the investigation, the charge-sheet came to be filed in the Court of Judicial Magistrate First Class, Akola and the case was numbered as Regular Criminal Case No.166 of 2021.,

4. The matrimonial dispute between applicant Nos.1 and 2 was amicably settled and they decided to part their ways. Pursuant to the

compromise, both the applicants have filed Petition No.F-138 of 2020 under Section 13-B of the Hindu Marriage Act, 1955, seeking divorce by mutual consent, which is pending before the learned Civil Judge Senior Division, Akola.

5. The terms of the compromise are incorporated in the Petition. In paragraph No.4-g of the said Petition, a statement is made that the applicant Nos.1 and 2 shall jointly file proceedings for quashing of First Information Report before this Court.

6. Considering the fact that the matrimonial dispute has been amicably settled by the applicant Nos.1 and 2, we are inclined to allow the present application. Consequently, the application is allowed in terms of prayer clause -(i). Accordingly, proceeding of Regular Criminal Case No.166 of 2021 pending before the Court of the learned Judicial Magistrate First Class, (Court No.4), Akola is hereby quashed and set aside.

(N.B.SURYAWANSHI, J.)

(PRASANNA B. VARALE, J.)