

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

Criminal Application (APL) No.303 of 2019

1. Nitesh S/o Yashwant Adwani,
Aged 26 Yrs, Occ. Business,
R/o Utkarsh Walay, Khare Town, Dharampeth,
Nagpur.
2. Smt. Beena alias Chanda Yashwant Adwani,
Aged 65 Yrs, Occ. Business,
R/o Utkarsh Walay, Khare Town, Dharampeth,
Nagpur.
3. Karan S/o Yashwant Adwani,
Aged 28 yrs, Occ. Business,
R/o Utkarsh Walay, Khare Town, Dharampeth,
Nagpur.

... Applicants

Versus

1. State of Maharashtra, through PSO, PS
Sitabuldi, Dist. Nagpur.
2. Ashu @ Diva W/o Nitesh Adwani,
Aged 25 Yrs, Occ. Household,
R/o House No.55, Ward No. 8, Manendrdh,
Dist. Koriya (Chhatisgarh)-497442.

....Respondents

Mr. Z.Z. Haq, Advocate for applicants
Mr. A.R. Chutke, APP for the respondent -State

Corrected as
per Court's
order dated
08.09.2021

Ms.Akanksha Wanjari, Advocate, h/f Ms. S.B. Khobragade, Advocate for the respondent No.2.

**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 are seeking quashing of First Information Report, bearing No.117 of 2018 and further proceedings of Regular Criminal Case No. 3743 of 2018 pending before the learned Judicial Magistrate First Class, Court No.2, Nagpur.

3. The First Information Report was registered at the instance of 2nd respondent for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 against the applicants.

4. After completion of the investigation, the charge-sheet came to be filed and the case was numbered as Regular Criminal Case No. 3743 of 2018.

5. During the pendency of the said proceedings, the parties have arrived at a compromise and the 1st applicant and the 2nd respondent have amicably settled their matrimonial dispute. They were granted divorce by mutual consent by the learned Family Court No.2, Nagpur in Petition No.A-1320 of 2017 on 11.01.2019. The learned Family Court has taken a note of the terms and conditions agreed between the 1st applicant and the 2nd respondent, which was placed on record at Exh.14. It was also noted that the 1st applicant had paid Rs.7,75,000/- to the 2nd respondent towards her permanent lump-sum amount of maintenance. The settlement agreement is also placed on record in the present application at Page No.71 of the paper-book.

6. The 2nd respondent has filed Pursis (Stamp) No.4564 of 2019, wherein it is stated that she is ready to withdraw all her allegations in the First Information Report. Both the parties are identified by their respective advocates.

7. Taking into consideration, the settlement of the matrimonial dispute between the parties, we are inclined to allow the application. Hence, the following order:

ORDER

- i) The Criminal Application No.303 of 2019 is allowed.
- ii) The First Information Report bearing No.117 of 2018 with Police Station Sitabuldi, District Nagpur and the further proceedings of Regular

Criminal Case No.3743 of 2018 pending before the learned Judicial Magistrate First Class, Court No.2, Nagpur are hereby quashed and set aside.

iii) The Criminal Application is disposed of.

(N.B.SURYAWANSHI, J.)

(PRASANNA B. VARALE, J.)

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