

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

CRIMINAL APPLICATION (APL) NO. 1209 OF 2021

(Umakant @ Rahul s/o Yeshwantrao Darlinge, Nagpur & Anr. Vs. State of Maharashtra)

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

Court's or Judge's orders.

Mr. D.M. Kale, Advocate for applicant No.1.
Mr. S.M. Bhangde, Advocate for applicant No.2.
Mr. S.M. Ghodeswar, A.P.P for the non-applicant/
State.

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CORAM : M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.
OCTOBER 29, 2021.

Heard the learned counsel for the
parties.

2] This is a joint application for quashing of the First Information Report and the consequent criminal proceedings launched against applicant No.1 for the offences punishable under Sections 498-A, 506 and 34 of the Indian Penal Code based on the First Information Report lodged by applicant No.2.

3] Both the applicants are present before us and they stated that the matrimonial dispute between them have been settled and even the settlement terms have been filed before the matrimonial Court. The applicants stated that they have decided to live separately and applicant No.2 does not wish to

proceed with the criminal prosecution in pursuance of her First Information Report.

4] Having regard to the law laid down by the Hon'ble Supreme Court in **B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675**, we see no difficulty in quashing the proceedings. This is more so because applicant No.1 has agreed to pay to applicant No.2 an amount of Rs.10,000/- by today. This is over and above the amounts that form the settlement terms before the matrimonial Court.

5] The Application is allowed and the First Information Report bearing No. 302/2018 and the consequent criminal proceedings bearing Regular Criminal Case No. 2122/2019 pending before the 3rd Judicial Magistrate First Class, Nagpur, are hereby quashed.

(PUSHPA V. GANEDIWALA, J.)

(M.S. SONAK, J.)

Sumit