

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

CRIMINAL APPLICATION (APL) NO. 243/2022

1. Nilesh S/o Madhukar Panditkar
Aged about 36 years, Occ – Labour,
2. Madhukar S/o Uddhavrao Panditkar,
Aged about 68 years, Occ – Labour,
3. Manda W/o Madhukar Panditkar
Aged about 58 years, Occ – Household,
4. Vishal S/o Madhukar Panditkar
Aged about 38 years, Occ – Labour,
5. Kirti W/o Vishal Panditkar
Aged about 32 years, Occ – Household.
6. Akash S/o Madhukar Panditkar
Aged about 32 years, Occ – Labour,
7. Harishta W/o Akash Panditkar
Aged about 22 years, Occ – Household.

All are resident of Ward No. 7, Patel Nagar
Kanhana, Tahsil Parseoni, District Nagpur

..... APPLICANT(S)

// VERSUS //

1. The State of Maharashtra through its
Police Station officer, Gadge Nagar,
Amravati, Tahsil and District Amravati.
2. Sonal W/o Nilesh Panditkar
Aged about 25 years, Occ – Tailoring,
Resident of Gurukunj Colony,
Shegaon Naka, Gadge Nagar, Amravati

..... NON-APPLICANT(S)

 Mr. A.H. Daga, Advocate for the applicants
 Mr. I.J. Damale, APP for non-applicant no. 1
 Mr. B.M. Kharkate, Advocate for non-applicant no. 2

**CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, J.J.**

DATED : 05/12/2022

ORAL JUDGMENT : (PER:- SUNIL B. SHUKRE, J.)

Rule. Rule made returnable forthwith. Heard finally by consent.

2. The First Information Report (FIR) registered against the applicants for Crime No.3007/2021 punishable under Section 498-A of the Indian Penal Code, 1860 (for short the “IPC”) r/w. Section 34 of the IPC is outcome of matrimonial dispute between the applicant no. 1 on the one hand and non-applicant no. 2 on the other hand. Now, husband and wife have reached an amicable settlement whereby, they have agreed to seek mutual divorce on various terms and conditions, one of which relates to withdrawal of main case filed under Section 498-A of the IPC against the applicants. An application for grant of permission for quashing the FIR as per compromise and Mutual Settlement Deed have been tendered by the applicant no. 1 and non-applicant no. 2 directly to the Court and they are taken on record and Mutual Settlement Deed is marked as Annexure - A for identification. The Mutual Settlement Deed, as informed by applicant no. 1 and non-applicant no. 2, who are personally present in the Court and identified by the learned respective Counsel, has been voluntarily reached and terms and conditions thereof

are acceptable to them. The remaining applicants are also present before the Court and duly identified by the learned Counsel for the applicants. They have no objection, if the mutual settlement is acted upon by this Court.

3. In the above referred facts, it would be in the interest of the parties for their future life that an inherent jurisdiction of this Court under Section 482 of the Criminal Procedure Code, 1973 shall be exercised for quashing the FIR filed at the behest of non-applicant no. 2 or otherwise, there may be miscarriage of justice.

4. The criminal application is allowed and Crime No. 3007/2021 registered with Police Station, Gadge Nagar, Amravati is hereby quashed and set aside on a condition that the applicants shall deposit an amount of Rs.7000/- (Rupees Seven Thousand only) and non-applicant no. 2 shall deposit an amount of Rs.3000/- (Rupees Three Thousand only) with the Office of Public Prosecutor, High Court, Nagpur for the purpose of development of Library within a period of three weeks from the date of the order, failing which, this order shall stand revoked automatically and crime shall be investigated by the Police and the Final Report shall be filed by the Police in accordance with the law.

5. Rule is made absolute in the aforesaid terms.

**SANDIP
MAHADEV
GATE**

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV
GATE
Date: 2022.12.05
19:32:47 +0530

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)