

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

CRIMINAL APPLICATION (APL) NO. 694 OF 2021

Sumeet s/o Surendra Pande and Ors.

Vs.

State of Maharashtra, Thru, PSO, Mankapur, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Dr. Renuka S. Sirpurkar, Advocate for applicants.
Mr. S.S. Doifode, APP for respondent No.1.

**CORAM : MANISH PITALE, &
VALMIKI SA MENEZES, JJ.**

DATE : 25.07.2022.

By this application filed under Section 482 of the Code of Criminal Procedure, the applicants have prayed for quashing of two First Information Reports and one charge-sheet. The learned counsel for the applicants submits that even in the other FIR, charge-sheet has now been filed and she orally seeks leave to amend the prayer clause to add relief of quashing of charge-sheet, arising from FIR No.116/2019. Leave to amend granted. Amendment be carried out forthwith.

2. The applicant No.1 is the husband of the applicant No.5 while the applicant Nos.2,3 & 4 are

the father-in-law, mother-in-law and sister-in-law of applicant No.5.

3. It appears that after marriage of applicant Nos.1 and 5, there were matrimonial disputes between the parties, leading to initiation of proceedings on both civil and criminal sides. FIR No.120/2018 was registered on 22.04.2018 at the behest of applicant No.5, against the other applicants for offences under Sections 498(A), 323, 504 and 506 read with Section 34 of the Indian Penal Code, leading to filing of charge-sheet on 11.01.2019 and the matter remains pending as Regular Criminal Case No.190/2019, before the competent Court. Another FIR bearing No.116/2019, came to be registered at the behest of applicant No.5 against the applicant No.1 for offences under Sections 324, 352, 368, 452 and 504 of the Indian Penal Code, leading to filing of charge-sheet and now the matter is pending as RCC No. 3903/2019, before the competent Court.

4. When this application was filed before this Court, the parties had already entered into compromise, pursuant to mediation initiated in one of the proceedings pending before this Court for

grant of anticipatory bail. It is for this reason that a joint application has been filed by the parties for quashing of the First Information Reports and charge-sheets. It appears that during the pendency of the present application, the parties have abided by the terms of compromise, as a result of which the competent Family Court at Nagpur, has recently passed a divorce decree by mutual consent dated 06.07.2022. In the said judgment and decree, it is recorded in paragraph No.5 that the applicant No.5- wife has received an amount of Rs.19,00,000/- (Rs. Nineteen Lakhs), towards one time settlement as agreed in the consent terms.

5. In view of the aforesaid developments, the learned counsel appearing for the applicants prayed that the application be allowed in terms of the prayer made therein, placing reliance upon judgments of the Hon'ble Supreme Court in the case of *Giansingh Vs. State of Punjab and anr., 2012 (10) SCC 303* and *State of Madhya Pradesh Vs. Laxmi Narayan and others, 2019 (5) SCC 688*.

6. The learned APP appearing for respondent/State submitted that the papers on record do not indicate as to whether all the terms of

compromise have been satisfied or not. As noted as herein above, in the recent judgment and decree of divorce by mutual consent, passed by the competent Family Court at Nagpur, it has been recorded, as a matter of fact, that payment of the aforesaid amount is already made to applicant No.5. The copy of the said judgment and decree on 06.07.2022 passed by the Family Court, bearing Petition No.A-613/2018, is handed over by the learned counsel for the applicants and the same is taken on record and marked as 'X'.

7. The learned counsel for the applicants is justified in relying upon the aforesaid judgment of the Supreme Court in *Giansingh (supra)* wherein it has been laid down that when offences registered against accused persons are of predominantly civil nature, arising out of matrimonial disputes they can be quashed on the parties reaching an amicable settlement. This position was reiterated in the aforesaid judgment in the case of *State of Madhya Pradesh (supra)* and matrimonial disputes were identified as belonging to the category where the Court could exercise power under Section 482 of the Code of Criminal Procedure for quashing of First Information Reports and the charge-sheets, upon

being satisfied that the dispute was mutually settled and that the terms agreed upon were satisfied by the parties.

8. Having perused the material on record, particularly the terms of compromise as also the aforesaid recent judgment and decree passed by the Family Court at Nagpur on 06.07.2022, we are satisfied that the parties have satisfied their mutual obligations as per the consent terms and that now there are no outstanding grievances of applicant No.5.

9. The applicant Nos.1 and 2 and also applicant No.5 are present in Court and they submit that the application may be allowed in terms of prayers made therein. We are informed that applicant No.3 i.e. mother-in-law of applicant No.5 is presently hospitalized, due to which she and her daughter i.e. applicant No.4 could not be present in Court today.

10. In view of the above, the application is allowed in terms of prayer clause Nos.1 and 2, which read as follows:

“(1) Allow this application and quash and set aside Crime No.120/2018 dated 22.04.2018 (Annexure – I) & Charge-sheet No.02/2019 dated 11.01.2019 (Annexure-II) registered at Mankapur Police Station, District Nagpur, for offences under Section 498A, 323, 504, 506 r/w 34 against the applicants No.1 to 4;

(2) Quash and set aside Crime No.116/2019 dated 27.04.2019 registered with Police Station Mankapur, District : Nagpur for offence u/s. 324, 352, 452, 504 of the Indian Penal Code (Annexure – III) against applicant No.1; pending trial in RCC No.3903/2019 before the learned ACJM, Nagpur as C.S. No.113/2019 dated 08.12.2019.”

[VALMIKI SA MENEZES, J.]

[MANISH PITALE, J.]