

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

CRIMINAL APPLICATION (APL) NO. 678 OF 2021

Vanita Sunildas Mahant & others

-- Applicants

Vs.

State of Maharashtra and another

-- Respondents

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

Court's or Judge's orders

Mrs. Smita Singalkar, Advocate for Applicants

Mr. I.J. Damle, APP for Respondent No.1

Mr. Madhur Deo, Adv. h/f Mr. Rohit Joshi, Advocate for
Respondent No.2

**CORAM : MANISH PITALE AND
G.A. SANAP, J.J.**

DATE : 5th AUGUST, 2022

The applicants before this Court are seeking quashing of First Information Report (FIR) dated 02/07/2021, registered against them at the behest of respondent No.2. Offences are under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

2. The grievance of the respondent No.2 has arisen out of the matrimonial dispute. The applicant No.1 is mother-in-law of respondent No.2, applicant No.2 is sister-in-law and applicant

No.3 is husband and applicant No.4 is father-in-law of respondent No.2.

3. During the pendency of the present application, the parties agreed to explore the possibility of settlement through mediation. Upon the parties appearing before the Mediator, an agreement dated 01/07/2022, for settlement of dispute came to be executed by the parties. The same is placed before this Court, which is signed by the parties as well as their respective counsels. The terms of settlement indicate the manner in which the grievances of respondent No.2 are to be settled. It is specifically agreed that the present application be disposed of in terms of settlement between the parties. The Hon'ble Supreme Court in the case of **Gian Singh .Vrs.. State of Punjab and another**, reported in **2012 (10) SCC 303**, has held that when the dispute is essentially a matrimonial dispute, even non-compoundable offences can be quashed if the parties come together upon settlement of their dispute and it becomes evident that no purpose could be served if the matter goes to trial. The said position of law has been followed consistently by the Hon'ble Supreme Court and this Court in such matters, which are essentially arising out of matrimonial disputes.

4. In view of the above, in terms of settlement executed between the parties, the application is allowed in terms of prayer clause (i), which reads as follows :

“i. To quash and set aside the FIR No.365/2021 registered under Section 498-A, 504, 506 r/w. 34 of Indian Penal Code by police Station Sevagram, District – Wardha, against the petitioners.”

5. The application stands disposed of.

(G.A. SANAP, J.)

(MANISH PITALE, J.)