

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

CRIMINAL APPLICATION (APL) NO.129 OF 2021

1. Dhiraj s/o Bhimrao Manwar
Aged about 30 years,
Occupation – Private Job
2. Bhimrao s/o Bapurao Manwar,
Aged about 68 years,
Occupation – Retired
3. Vatsalabai w/o Bhimrao Manwar,
Aged about 58 years,
Occupation – Housewife
4. Neeraj s/o Bhimrao Manwar,
Aged about 28 years,
Occupation – Unemployed

All R/o. Sagar Nagar,
Near Vidhyut Kendra, I.T.I.,
Wardha Road, Arvi,
Tah. Arvi, District – Wardha
5. Nanda @ Nandini Suresh Warghat,
Aged about 45 years,
Occupation – Household,
R/o. Sanjay Gandhi Nagar No.2,
Bhim Tekdi Road,
Near Dr. Bardi Hospital,
Amravati

...APPLICANTS

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station Arvi,
Tah. Arvi, District Wardha

2. Sau. Shilpa w/o Dhiraj Manwar,
Aged about 30 years,
Occupation – Housewife,
R/o. C/o. Shantaram Ingle,
Forest Colony, Old Bye-pass Road,
Amravati, Tah. and District Amravati

...NON-APPLICANTS

Shri Raj Wakode, Advocate for the applicants.
Shri M.J. Khan, Additional Public Prosecutor for non-applicant
No.1/State.
Shri Ateeb Syed, Advocate for non-applicant No.2.

CORAM : ROHIT B. DEO & URMILA JOSHI-PHALKE, JJ.
DATE : OCTOBER 14, 2022.

JUDGMENT (Per Urmila Joshi-Phalke, J.)

ADMIT. Heard finally with the consent of learned Counsel
for the parties.

2. The present application is preferred by the applicants for
quashing of First Information Report (hereinafter referred to as ‘the
F.I.R.’ for short) vide Crime No.400/2020 for the offences punishable
under Sections 498-A, 377, 406 and 506 read with Section 34 of the
Indian Penal Code (hereinafter referred to as ‘the Code’ for short)
registered with Arvi police Station, District Wardha.

3. The crime was registered on the basis of report lodged by
non-applicant No.2 - Sau. Shilpa Dhiraj Manwar alleging that her

marriage was performed with non-applicant No.1 – Dhiraj s/o Bhimrao Manwar on 31/10/2019 as per the custom. After marriage, she was ill-treated by demanding money for purchasing two wheeler vehicle. She further alleged that applicant Nos.2 to 5 instigated applicant No.1 and on their instigation she was ill-treated and abused physically and mentally by all the applicants. On the basis of said report police have registered the offence punishable under Sections 498-A, 377, 406 and 506 read with Section 34 of the Code.

Correction is carried out as per Hon'ble Court's Order dated 20/10/2022.

4. During the pendency of the application as both the parties requested that there are elements of settlement and, therefore, the matter was referred for mediation. As per the mediation report submitted by the mediator that both the parties have settled their dispute and resolved that they would dissolve their marriage by way of divorce by mutual consent. Applicant No.1 and non-applicant No.2 are residing separately since long and there are no chances of coming together, therefore they have decided to dissolve their marriage mutually.

5. Applicant No.1 as well as non-applicant No.2 are present before this Court. We personally interacted with them. Applicant No.1 and non-applicant No.2 accepted the terms and conditions of the settlement and non-applicant No.2 had no objection to quash the proceeding in view of settlement.

6. In the above circumstances allowing the proceeding to continue will be abuse of process of law. However, considering that on the basis of F.I.R. lodged by non-applicant No.2, the investigation was set in motion. The Investigating agency has spent the time in conducting the investigation and, therefore, said quashment of F.I.R. is subject to the cost. In the result, we proceed to pass the following order:

(a) The criminal writ petition is allowed.

(b) The First Information Report vide Crime No.400/2020 for the offences punishable under Sections 498-A, 377, 406 and 506 read with Section 34 of the Indian Penal Code registered at Arvi police Station, District Wardha against the applicants is quashed and set aside.

(c) Applicant No.1 and non-applicant No.2 shall deposit costs of Rs.20,000/- each (Rs. Twenty Thousand) with the High Court Legal Services Sub-Committee, Nagpur.

7. Rule is made absolute in the aforesaid terms.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B. DEO, J.)

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Correction is carried
out as per Hon'ble
Court's Order dated
20/10/2022.