

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

CRIMINAL APPLICATION (APL) NO.1255 OF 2022

1. Vikram s/o Rameshchandra Chimrani
Aged 34 years,
Occupation – Business
2. Rameshchandra s/o Adatram Chimrani
Aged 60 years,
Occupation – Business

Both R/o Flat No.308, Agrwal Apartment,
T.B. Puran, A.B. Road, Muraina,
Tq. and District Muraina,
P.S. City Kotwali, Muraina
3. Vrushabh s/o Brijlala Chimrani
Aged 35 years,
Occupation – Business
4. Brijlal s/o Adatram Chimrani
Aged 67 years,
Occupation – Business

Both 3 and 4 R/o. C/o. Aahar Restaurant
Raksi Cool, Gwalior Ta. District,
Madhya Pradesh (M.P.)
5. Pankaj s/o Radhakrishnan Khatri,
Aged 40 years,
Occupation – Business,
R/o. Mummy – Babi, Shu Hanuman
Churaha, Muraina,
Madhya Pradesh (M.P.)

...APPLICANTS

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station Rajapeth,
Amravati

2. Sau. Pahal @ Sapna w/o
Vikram Chimrani
Aged 32 years,
Occupation – Household,
R/o. C/o. Shri Rajesh Gaglani,
Dastur Nagar, Amravati
Tq. and District Amravati

...NON-APPLICANTS

Shri P.V. Navlani, Advocate for the applicants.
Shri T.A. Mirza, Additional Public Prosecutor for non-applicant
No.1/State.
Shri Vishwajeet Singh Uberoi, Advocate for non-applicant No.2.

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

JUDGMENT (Per Urmila Joshi-Phalke, J.)

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

2. The present applicants are the accused in Crime
No.550/2022 for the offences punishable under Sections 498-A, 354,
323, 504 and 506 read with Section 34 of the Indian Penal Code
(hereinafter referred to as 'the Code' for short) registered at police
station Rajapeth, Amravati, preferring an application for quashment of
First Information Report (hereinafter referred to as the 'FIR' for short).

3. Applicant No.1 and non-applicant No.2 are the husband and wife. Their marriage was solemnized on 27/11/2014 at Muraina (Madhya Pradesh). The other applicants are the nearest relatives of applicant No.1. Non-applicant No.2 had lodged the FIR on 06/07/2022 on an allegation that after marriage she resumed cohabitation at the house of applicant No.1. Initially she was treated well but subsequently she was ill-treated mentally and physically and driven out of the house. Since then she is residing at her parents house.

4. On the basis of said FIR, police have registered the offence against the present applicants. During the pendency of the application, the applicant No.1 and non-applicant No.2 settled their dispute and decided to live separately by obtaining divorce by mutual consent. Accordingly, they approached to the Family Court and filed petition for divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955. In view of settlement, applicants prayed for quashment of the FIR.

5. Applicant No.1 and non-applicant No.2 are present before this Court. We personally interacted with them. They both have decided to obtain divorce by mutual consent and dissolve their marriage. Accordingly, they have approached to the Family Court for obtaining the divorce by mutual consent.

6. In view of settlement, the application for quashment of the FIR deserves to be allowed. The parties have settled their dispute. However, due to lodging of the FIR entire police machinery was rotated to investigate the matter as well as valuable time of the Investigating agency and the Court was consumed in the litigation, therefore, the application deserves to be allowed subject to the costs.

7. In the result, we proceed to pass the following order :

(i) The criminal application is allowed.

(ii) The First Information Report vide Crime No.550/2022 registered with police station Rajapeth, Amravati for the offences punishable under Sections 498-A, 354, 323, 504 and 506 read with Section 34 of the Indian Penal Code is quashed and set aside subject to the costs of Rs.20,000/- (Rs. Twenty thousand) be paid by applicant No.1 on behalf of all the applicants and Rs.20,000/- (Rs. Twenty thousand) be paid by non-applicant No.2. The same shall be deposited with the High Court Legal Services Sub-Committee, Nagpur.

8. Rule is made absolute in the aforesaid terms.