

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

CRIMINAL APPLICATION (APL) NO. 1058/2019

1. Mr. Amol S/o. Ashok Deshmukh
Age 38 Years, Occ. Service,
R/o M – 1102, Balwantpuram Samrajya,
Shivtirth Nagar, Paudh Road,
Pune
2. Ashok Vinayak Deshmukh
Age 73 Years, Occ. Retired,
3. Vandana Ashok Deshmukh
Age 72 Years, Occ. Housewife,
Both Applicant No. 2 and 3 are
R/O. T/1, Shree Narayan Apartment,
72, Khare Town, Dharampeth,
Nagpur.
4. Sau. Vrinda Parag Deshmukh,
Age 44 Years, Occ. Housewife,
R/O. B 403, Hiranandani Estate,
near Hiranandani School Ghorbandar Road,
Thane.

..... APPLICANT(S)

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station Sitabuldi, Nagpur.
2. Prachi W/O. Amol Deshmukh
Age 33 Years, Occ. Household,
R/O. C/O. Gupte Wada,
Deshbandhu Ward, Bhandara,
Dist. Bhandara.

.... NON-APPLICANT(S)

Mr. Vikrant M. Vishwarupe, Advocate for the applicants
Mrs. K.S. Joshi, Addl. PP for non-applicant no. 1
Mr. R.A. Gupte, Advocate for non-applicant no. 2

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

DATED : 16/12/2022

ORAL JUDGMENT : (PER:- M. W. CHANDWANI, J.)

Heard.

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

3. The applicant no. 1 and non-applicant no. 2 are husband and wife. Due to differences, now they have decided to get out of the marriage relations. They have filed a joint petition under Section 13B of the Hindu Marriage Act, 1955 seeking divorce by mutual consent. The learned Counsel for the applicants and non-applicant no. 2 state that the parties have amicably settled the dispute. Joint pursis vide No. 3/2022 dated 15.12.2022 has been filed. It is submitted by Mr. R.A. Gupte, learned Counsel for the non-applicant no. 2 that he is cousin brother of non-applicant no. 2. He submits that the complainant/non-applicant no. 2 is unable to remain present in Court and on instructions, he submits that non-applicant no. 2 has no objection if, the charge-sheet and proceedings thereupon are quashed. He tenders the pursis to that effect under his signature and signatures of the applicant no. 1 and his counsel. It is taken on record and marked as "A" for identification.

4. The applicant no. 1 is present in the Court. He is identified by his Counsel.

5. Since, the matter is matrimonial dispute and both parties have decided to part from their matrimonial relationship, therefore, we find that it is a fit case for quashing the charge-sheet and consequent proceedings thereupon as held by the Hon'ble Apex Court in the cases of ***Madan Mohan Abbot Vs. State Of Punjab [(2008) 4 SCC 582]*** and ***Narinder Singh and Ors Vs. State Of Punjab and Anr. [(2014) 6 SCC 466]***.

6. In view of the above, the criminal application is allowed in terms of prayer Clauses 2 and 2A, which read as under:-

“2. Upon perusal of same, quash and set aside, First Information Report bearing No. 969/2018 (378/2018) Registered with Sitabuldi Police Station Nagpur, District Nagpur for commission of offences punishable under Section 498A, 34 of the Indian Penal Code (Annexure No. - V), on such terms and conditions, in the interest of justice.

2A. Quash and Set aside Chargesheet No. 154/19 of R.C.C. No. 2919/2019 pending before the learned Judicial Magistrate First Class, Nagpur for commission of offences punishable under sections 498-A, 34 of Indian Penal Code (Annexure No. VI).”

The applicants and non-applicant no. 2 shall deposit an amount of Rs.5000/- (Rupees Five Thousand only) each as costs of the litigation in the account of the Office of the Government Pleader, High Court of

Bombay, Nagpur Bench, Nagpur for the purpose of development of Library within a period of four weeks from the date of the order, failing which, same shall be treated as fine amounts imposed upon them and the Registry shall proceed against the applicants and non-applicant no. 2 in accordance with law for realising the said fine amount.

7. Rule is made absolute in the aforesaid terms.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)

**SANDIP
MAHADEV
GATE**

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV GATE
Date: 2022.12.20
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