

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

(1) CRIMINAL APPLICATION (APL) NO.1624/2022

Dr. Amit S/o Vijay Ghatge,
aged about 44 Yrs., Occ. Medical Practitioner
(ENT Surgeon), R/o 48, Royal Edifice,
Central Railway Colony, Omkar Nagar
Road, Opp. Madhuban Apartment,
Nagpur 440 027.

... Applicant

- Versus -

1. The State of Maharashtra,
through Police Station Officer,
Rana Pratap Nagar, Nagpur.
2. Dr. Sau. Rashmi W/o Amit Ghatge,
aged about 39 Yrs., Occ. Medical
Practitioner, R/o Plot No.G/128,
Near Hotel Gayatri Inn, IT Park
Road, Gayatri Nagar, Nagpur.

... Non-applicants

(2) CRIMINAL APPLICATION (APL) NO.1625/2022

1. Dr. Amit S/o Vijay Ghatge,
aged about 44 Yrs., Occ. Medical Practitioner
(ENT Surgeon), R/o 48, Royal Edifice,
Central Railway Colony, Omkar Nagar
Road, Opp. Madhuban Apartment,
Nagpur 440 027.
2. Dr. Vijaya W/o Vijay Ghatge,
aged about 74 Yrs., Occ. Household/Pensioner
R/o 48, Royal Edifice, Central Railway Colony,
Omkar Nagar Road, Opp. Madhuban
Apartment, Nagpur 440 027.

3. Vijay Gajanan Ghatge,
aged about 84 Yrs., Occ. Nil (Retired),
R/o 48, Royal Edifice, Central Railway Colony,
Omkar Nagar Road, Opp. Madhuban
Apartment, Nagpur 440 027. ... Applicants

- Versus -

1. The State of Maharashtra,
through Police Station Officer,
Police Station, Ajni, Nagpur.
2. Dr. Sau. Rashmi W/o Amit Ghatge,
aged about 39 Yrs., Occ. Medical
Practitioner, R/o Plot No.G/128,
Near Hotel Gayatri Inn, IT Park
Road, Gayatri Nagar, Nagpur. ... Non-applicants

(3) CRIMINAL APPLICATION (APL) NO.412/2019

Dr. Rashmi W/o Amit Ghatge,
aged about 36 Yrs., Occ. Doctor,
R/o Plot No.G/128,
Near Hotel Gayatri Inn, IT Park
Road, Gayatri Nagar, Nagpur. ... Applicants

- Versus -

1. State of Maharashtra,
through Police Station Officer,
Ambazari Police Station Nagpur.
2. Dr. Amit S/o Vijay Ghatge,
aged about 42 Yrs., Occ. Doctor,
R/o 48, Royal Edifice,
Central Railway Colony, Omkar Nagar
Road, Ajni, Nagpur. ... Non-applicants

(4) CRIMINAL APPLICATION (APL) NO.1361/2019

1. Dr. Rashmi Amit Ghatge,
aged about 36 Yrs., R/o Royal Edifice,
Central Railway Colony, Onkar Nagar
Road, Nagpur.

(presently residing at)

128, Gayatri Nagar, IT Park Road,
Rana Pratap Nagar, Nagpur.

2. Prabhakar Laikrao Dhale
(Retd. District Judge)
aged about 70 Yrs.
3. Rushikesh Prabhakar Dhale,
aged about 34 Yrs.
4. Mrs. Rupali Prabhakar Dhale,
aged about 63 Yrs.

Applicants 2 to 4 R/o 128,
Gayatri Nagar, IT Park Road,
Rana Pratap Nagar, Nagpur.

... Applicants

- Versus -

1. The State of Maharashtra,
through Police Station Officer,
Rana Pratap Nagar Police Station Nagpur.
2. Dr. Amit Vijay Ghatge,
aged about 41 Yrs., R/o 48,
Royal Edifice, Central Railway Colony,
Onkar Nagar Road, Nagpur.

... Non-applicants

(5) CRIMINAL APPLICATION (APL) NO.816/2019

1. Dr. Amit Vijay Ghatge,
aged about 42 Yrs., Occ. Medical Practitioner
(ENT Surgeon), R/o 48, Royal Edifice,
Central Railway Colony, Omkar Nagar
Road, Opp. Madhuban Apartment,
Nagpur 27. ... Applicant
- Versus -
1. The State of Maharashtra,
through Police Station Officer,
Police Station Ambazari, Nagpur,
Tq. and Dist. Nagpur.
2. Rashmi W/o Amit Ghatge,
aged about 37 Yrs., Occ. Dentist,
R/o Plot No.G 128, Near Hotel
Gayatri Inn, IT Park, Gayatri Nagar,
Nagpur, Tq. and Dist. Nagpur. ... Non-applicants

Mr. A.H. Joshi, Advocate for the applicant/s.
Mr. S.S. Doifode, A.P.P. for Non-applicant No.1.
Mr. S.Z. Qazi, Advocate for non-applicant No.2.
..(in APL 1624/2022 & 1625/2022)

Mr. S.Z. Qazi, Advocate for the applicant/s.
Mr. S.S. Doifode, A.P.P. for Non-applicant No.1.
Mr. A.H. Joshi, Advocate for Non-applicant No.2.
..(in APL 412/2019 & 1361/2019)

Mr. A.H. Joshi, Advocate for the applicant.
Mr. S.S. Doifode, A.P.P. for Non-applicant No.1
Mr. S.Z. Qazi, Advocate for the non-applicant No.2.
..(in APL 816/2019)

CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, JJ.
DATE : 14.12.2022

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

CRIMINAL APPLICATION (APL) NOS.1624/2022 &
1625/2022.

Heard. Issue notice for final disposal at admission stage to the non-applicants of both applications.

2. Mr. I.J. Damle, learned A.P.P. waives notice for non-applicant No.1 and non-applicant No.2 is personally present before the Court. Her learned counsel waives notice for her.

3. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsel for the parties.

4. Learned counsel for the applicants in both these applications submit that the husband and wife going through tumultuous phase fate of their life with serious matrimonial differences and strife in between them have now finally decided to part their ways and thus have reached a compromise for settling their matrimonial dispute which lies at the base of various criminal complaints and counter complaints filed by them against each other and also against relatives of each other. He further submits that the husband and wife both have decided to seek a divorce by mutual consent and, therefore, it is necessary that the F.I.R. in both applications are quashed and set aside so that the husband and wife can go ahead in their joint plan to seek divorce by mutual consent and move forward in life. Learned counsel for the wife, Dr. Rashmi Ghatge agrees. Both of them have produced today a joint pursis signed by all the parties involved in these applications. The joint pursis is taken on record and it is marked "A" for identification. We direct that one copy of pursis shall be

filed by the parties in remaining applications and leave in that regard is granted. Compliance shall be done forthwith.

5. Learned A.P.P. submits that since the dispute is of matrimonial nature and that the dispute has been amicably resolved by the husband and wife, an appropriate order in the matter may be passed.

6. We are of the view that the dispute being of matrimonial nature, which now has been amicably settled by husband and wife it would be in the interest of husband and wife and also to prevent miscarriage of justice, that the amicable settlement reached between them is accepted by this Court and acted upon. The amicable settlement between the parties and also the nature of dispute in between them, both fulfil the parameters laid down in several judgments of the Supreme Court notably, amongst others, are those delivered in the cases of B.S. Joshi and others V/s. State of Haryana and another reported in (2003) 4 SCC 675, Gian Singh V/s. State of Punjab and another reported

in (2012) 10 SCC 303, Narinder Singh and others V/s. State of Punjab an another reported in (2014) 6 SCC 466 and Parbatbhai Aahir alias Parbatbhai Bhimsinghbhai Karmur and others V/s. State of Gujarat and another reported in (2017) 9 SCC 641.

Therefore, both these applications deserve to be allowed. The applications are allowed and it is directed that F.I.R. No.78/2019 registered against the applicants at Police Station Rana Pratap Nagar, Nagpur is hereby quashed and set aside.

7. It is further directed that F.I.R. No.111/2019 registered against the applicants by Police Station Ajni, Nagpur is also hereby quashed and set aside.

8. Quashing and setting aside of both these F.I.Rs. shall be subject to payment of costs mentioned at the end of this common judgment and it shall be common to all the applications.

**CRIMINAL APPLICATION (APL) NOS.412/2019, 1361/2019
& 816/2019.**

9. Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

10. In view of the joint pursis document “A” and for the reasons recorded above, we are of the view that all these applications also deserve to be allowed.

11. Before parting with the judgment, we must state here that all the applicants and the non-applicants involved in these three applications as well as two applications referred to above are personally present before the Court and they are duly identified by their respective counsel. All of them in one voice state that amicable settlement reached between husband and wife is voluntary and all the terms and conditions thereof are acceptable to them.

12. The applications are allowed accordingly in terms of prayer clause (1) made in all these applications.

13. This order shall be subject to common order of payment of costs to be paid by the husband and wife. The costs to be paid by the husband and wife would be Rs.10,000/- each which shall be deposited by them in the account of Office of Government Pleader, Bombay High Court, Nagpur Bench, Nagpur so as to form part of library funds for the purpose of development of library.

14. Rule is made absolute in all the applications accordingly.

15. Steno copy of this judgment and order be supplied to the learned counsel for respective parties.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)