

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

CRIMINAL APPLICATION NOS. 57/2023 & 259/2022.

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CRIMINAL APPLICATION NO. 57/2023.

1.Advait Panjabrao Choudhary,
Aged about 41 years,
Occupation - Doctor,

2.Karuna Panjabrao Choudhary,
Aged about 66 years,
Occupation - Household,

3.Panjabrao Kisanji Choudhary,
Aged about 77 years,
Occupation - Retired,

All residents of Ward No.2, Sharada
Colony, Mu.Po.Warud, VTC Warud,
Tq. Warud, District Amravati.

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APPLICANTS.

VERSUS

1.State of Maharashtra,
Through Police Station Officer,
Police Station Warud,
Tq. Warud, District Amravati.

2.Ragini w/o Advait Choudhary
Aged about 30 years,
Occupation - Household,
resident of Vidya Nagar, Kurkheda,
Tq. Kurkheda, District Gadchiroli.

... **NON-APPLICANTS.**

Mr. Y.P. Bhelande, Advocate for Applicants.
A.P.P. for Non-applicant No.1/State.
Mr.A.D. Dangore, Advocate for Non-applicant No.2.

CRIMINAL APPLICATION NO. 259/2022.

1.Rajashri w/o Ankur Malewar,
Aged about 36 years,
Occupation - Doctor,

2.Ankur w/o Umashankar Malewar,
Aged about 38 years,
Occupation - Private job,

Both residents of Flat No.103 A Wing,
CHS Ghodbunder Road, Patilpada
Hiranandani Estate, VTC Thane,
PO Sandozbaugh,
District Thane - 400607.

... **APPLICANTS.**

VERSUS

1.State of Maharashtra,
Through Police Station Officer,
Police Station Warud, Amravati
Tq. and District Amravati.

2.Ragini w/o Advait Choudhary
Aged about 30 years,
Occupation - Household,
resident of Vidya Nagar, Kurkheda,
Tq. Kurkheda and District Gadchiroli. ... **NON-APPLICANTS.**

Mr. P.R. Agrawal, Advocate for Applicants.
A.P.P. for Non-applicant No.1/State.
Mr.A.D. Dangore, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND
VALMIKI SA MENENZES, JJ.

DATE : JANUARY 16, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Both Criminal Applications contain prayer to quash the first information report bearing Crime No.692/2021 registered with respondent no.1 Police Station Warud, District Amravati for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code.

2. Criminal Application No.57/2023 has been filed by the

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husband and in-laws of the informant-wife, who is non-applicant no.2 in the said application. Another Criminal Application No.259/2022 is filed by the sister-in-law and her husband of the husband of original informant. Since both applications arise out of the same crime praying for the same relief, they are taken up for disposal by this common judgment.

3. Considering the controversy involved in the matter, and by consent of the learned Counsel appearing for the respective parties, Criminal Applications are taken up for final disposal at the stage of admission, by issuing **Rule**, making the same returnable forthwith.

4. The informant – lady has lodged a report against all the existing applicants in relation to matrimonial cruelty within the meaning of Section 498-A of the Indian Penal Code. Precisely she alleged that soon after the marriage she was harassed at the instance of monetary demand. The informant lady has also filed an application bearing No.17/2021 in the Court of Judicial Magistrate First Class, Warud under Section 12 of the Domestic Violence Act

(hereinafter referred to as “the D.V. Act” for short). During pendency of the said application parties have arrived at a settlement and decided to set at rest the entire dispute. Parties have agreed to mutually apply for divorce and to withdraw all the proceedings including the existing first information report. The terms of settlement have been filed in the proceedings filed under D.V. Act of which copy has been annexed at page no.15 in Criminal Application No.57/2023.

5. As per the said terms of compromise, the husband was supposed to pay an amount of Rs.16 lakhs towards one time settlement. In short, the proceedings would be withdrawn and the parties would act as per the terms of settlement recorded therein, including Clause no.6 about return of ornaments.

6. Today applicants in Criminal Application No.57/2023, are present and particularly non-applicant no.2 i.e. informant – lady is present before the Court. She is represented by Advocate Anup Dangore, who has identified her before the Court. The contents of

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the terms of settlement have been read over and explained to the informant, to which she agrees. The informant has also filed a Pursis stating that the matter is settled as per the terms took place in the D.V. proceedings and she has no objection for quashing of the first information report bearing Crime No.692/2021 registered with respondent no.1 Police Station Warud, District Amravati for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code.

7. It is informed that in pursuance of the settlement, the applicant – Husband has deposited an amount of Rs.16 lakhs in D.V. proceedings which is supposed to be withdrawn by the informant – wife after settlement in all proceedings. It is also informed that by virtue of settlement the couple has filed an application for mutual divorce in terms of Section 13-B of the Hindu Marriage Act in the Court of Civil Judge, Senior Division, Amravati. It is also informed that yesterday only the trial Court has curtailed the statutory period after recording verification and the matter is placed for orders.

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8. We are satisfied about the mutual compromise which had taken place between the parties. The informant lady is also keen to set at rest all the proceedings, as after disposal of all the proceedings, she is supposed to withdraw one time settlement amount of Rs.16 lakhs. No fruitful purpose would be served in keeping the matter pending. Since the dispute is settled between the parties, it will amount to abuse of process of Court if parties are required to go through the ordeal of trial, which would be a futile exercise. In view of above, both Criminal Applications are allowed and disposed of. First information report bearing Crime No.692/2021 registered with respondent no.1 Police Station Warud, District Amravati for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code at the instance of the informant – Ragini Advait Choudhary is hereby quashed and set aside.

9. Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE**JUDGE**