

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

CRIMINAL APPLICATION [APL] NOS. 949 & 147 OF 2023.

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CRIMINAL APPLICATION [APL] NO. 949/2023.

Prashant s/o Dnyaneshwar Chopde,
Aged about 49 years, Occupation
Service, resident of Shivaji Chowk,
Nandura, Taluq Nandura,
District Buldhana.

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APPLICANT.

VERSUS

1.The State of Maharashtra,
through Police Inspector,
Nandura, Taluq Nandura,
District Buldhana.

2.Sau. Priyanka w/o Prashant Chopde,
Aged about 43 years, Occupation
Tution, resident of C/o. Pandurang
Omkarrao Ingale, Plot No.65,
Bhgwan Nagar, Bank Colony, Nagpur
Taluq and District Nagpur
[Complainant].

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NON-APPLICANTS.

WITH

CRIMINAL APPLICATION [APL] NO. 147/2023.

1.Dnyaneshwar s/o Saduji Chopde,
Aged about 77 years, Occupation
Retired, resident of Shivaji Chowk,
Nandura, Taluq Nandura,
District Buldhana.

2.Sau. Devka w/o Dnyaneshwar Chopde,
Aged about 75 years, Occupation
Retired, resident of Shivaji Chowk,
Nandura, Taluq Nandura,
District Buldhana.

3.Pravin s/o Dnyaneshwar Chopde,
Aged about 45 years, Occupation
Service, resident of Government
Polytechnic College, Mechanical
Engineer Department, Aurangabad
Road, Nagewadi, Jalna,
District Jalna.

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APPLICANTS.

VERSUS

1.The State of Maharashtra,
through Police Inspector,
Nandura, Taluq Nandura,
District Buldhana.

2.Sau. Priyanka w/o Prashant Chopde,
Aged about 43 years, Occupation
Tution, resident of C/o. Pandurang
Omkarrao Ingale, Plot No.65,
Bhgwani Nagar, Bank Colony, Nagpur
Taluq and District Nagpur.

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NON-APPLICANTS.

Mr. D.I.Jain, Advocate for Applicants.
Mr. S.S. Doifode, Addl.P.P. for Non-applicant No.1-State.
Ms V. Umale, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.
DATE : JULY 17, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Applicant no.1 in Criminal Application No.949/2023 has taken out an application seeking transposition of applicant no.2 therein, as non-applicant no.2. Prayer granted. Necessary amendment be carried out forthwith. Criminal Application for transposition is accordingly disposed of.

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Heard.

Admit. By consent of the learned Counsel for the parties, Criminal Applications are taken up for final disposal.

Rgd.

2. Both applications are seeking the same relief of quashing the first information report bearing Crime No.58/2020 registered with Nandura Police Station, District Buldhana for the offence punishable under Sections 498-A, 323, 506 read with Section 34 of the Indian Penal Code and also related charge sheet No.103/2020 dated 04.09.2020.

3. Applicants in Criminal Application No.147/2023 are parents-in-law and brother-in-law, whilst sole applicant in Criminal Application No.949/2023 is husband of the non-applicant no.2 - informant/lady. The couple got married on 07.07.2003 and lived together for a period of near about 17 years. They have no issue from the wedlock, however, differences arose and because of which non-applicant no.2 – wife has filed a report alleging matrimonial harassment. Some other proceedings are also pending in between the couple.

4. During the pendency of the proceedings, both realized

Rgd.

that there is no purpose in pulling on the matrimonial relations and with the aid and intervention of elderly members in the family, they decided to settle the dispute. As a part of settlement, the couple decided to sever the matrimonial tie and the husband has agreed to pay total amount of Rs.21 lakhs to wife towards full and final maintenance. In accordance with the settlement, the husband has paid the entire amount, which is stated to have been received by the non-applicant no.2-wife. Both have applied to the Family Court for decree of divorce by mutual consent.

5. The terms of settlement have been placed on record. The non-applicant no.2 wife appeared suo-motu through Advocate Ms.Umale. She is identified by her Advocate. Non-applicant no.2 has admitted about the settlement, receipt of agreed amount and her no objection to quash the first information report. The offence is of matrimonial nature, which has no social impact. It is in the betterment of the couple to separate as they have agreed by consent. Having regard to the nature of litigation, continuation of the proceeding would amount to abuse of the process of Court. Since

Rgd.

the matter is settled, the chances of conviction are remote. In view of above both Criminal Applications are allowed and following order is passed.

ORDER.

- [i] Criminal Applications are allowed and disposed of.
- [ii] The first information report bearing Crime No.58/2020 registered with Nandura Police Station, District Buldhana for the offence punishable under Sections 498-A, 323, 506 read with Section 34 of the Indian Penal Code and also related charge sheet No.103/2020 dated 04.09.2020, is hereby quashed and set aside.

JUDGE

JUDGE