



Judgment

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

CRIMINAL APPLICATION (APL) NO. 175/2023

WITH

CRIMINAL APPLICATION (APPP) NO. 982/2023

IN

CRIMINAL APPLICATION (APL) NO. 175/2023

1. Ashok Kumar Khemchand
Panjwani, Age about 61 yrs.,
Occ. Business,
2. Sau. Poonam Ashokkumar Panjwani,
Age about 58 yrs., Occ. Household work,
3. Manish Ashokkumar Panjwani,
Age about 37 yrs., Occ. Business,
4. Yogesh Ashokkumar Panjwani,
Age about 31 yrs., Occ. Business,

Applicant Nos. 1 to 4 are R/o. A-16,
Steel City, Raipur, Tal. & Dist. Raipur
(Chhattisgarh).

5. Sau. Ritu Manish Kumar Meghani,
Age about 34 yrs., Occ. Household,
R/o. Lal Mitti Zenda Chowk, near
Sindhi Dharmshala, Jabalpur (M.P.)
6. Nitesh s/o. Ashok kumar Panjawani,
Age about 36 yrs., Occ. Service,
R/o. Bhoriya Khd. Raipur (Chhatisgarh).
**(Amendment carried out as per order
dated 07.12.2023)**

.... APPLICANTS

VERSUS

1. State of Maharashtra,
through P.S.O. of P.S. Khadan,
Tal. & Dist. Akola.
2. Jolly Nitesh Panjwani,
Age about 35 yrs., Occ. ---,
R/o. Adarsh Colony, Akola.

... NON-APPLICANTS

Mr. J.B. Gandhi, Advocate for applicants.
Mr. J.Y. Ghurde, Addl. Public Prosecutor ('APP') for non-applicant
No.1.
Mr. A.R. Deshpande, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI AND
M. W. CHANDWANI, JJ.
DATE : 07.12.2023.

CRIMINAL APPLICATION (APPP) NO. 982/2023

Heard.

2. This application is filed by the husband to add him as a party in the proceeding. Neither rest of the applicants nor the informant has any objection.
3. Application is allowed and disposed of.
4. Necessary amendment be carried out forthwith.

CRIMINAL APPLICATION (APL) NO. 175/2023

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. By this application, the applicants are seeking to quash charge-sheet (RCC No.674/2021) arising out of crime No. 41/2021 registered with Police Station Khadan, Dist. Akola for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code on account of mutual settlement.

4. The couple got married on 04.12.2016. After marriage, the informant lady started to cohabit with the applicants who are her husband and her husband's relatives. Since there was matrimonial discord, the informant started to reside separately from 16.06.2019. Feeling matrimonial harassment, she has lodged report. The Police have completed the investigation and filed charge-sheet. It is informed that yet the Trial Court has not framed the charges.

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5. Initially except husband, other relatives have filed this application. Now, the matter has been settled. At the instance of the husband, he has also been joined as an applicant. With the aid and intervention of friends and relatives, matter has been amicably settled. The copy of deed of settlement has been produced on record. Both have realized that the marriage is not workable and thus, consciously they decided to sever matrimonial ties. In accordance with settlement, the parties have already filed a joint petition for divorce under Section 13B of the Hindu Marriage Act in the Family Court, Raipur (Chhatisgarh) which is numbered as HMP 472/2023. Today, the informant wife is present in the Court accompanied with her father. She is identified by her Advocate Mr. Deshpande. The informant stated about the settlement and her no objection to quash the proceeding. She has also filed reply stating about the settlement, particularly it is submitted that she has no objection to quash the prosecution against the husband also who is joined today in the proceeding.

6. It is informed that the divorce proceeding is fixed on 11.12.2023 at the Family Court, Raipur (Chhatisgarh). The husband

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undertakes to appear at the Family Court to facilitate for seeking relief of divorce. The husband's statement is recorded as an undertaking to this Court.

7. The matrimonial dispute has been amicably resolved. The parties have already applied for divorce by mutual consent. In the circumstances, continuation of the prosecution amounts to abuse of the process. In view of that, we are inclined to exercise inherent powers.

8. Application is allowed. We hereby quash and set aside charge-sheet (RCC No.674/2021) arising out of crime No. 41/2021 registered with Police Station Khadan, Dist. Akola for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code on account of mutual settlement.

9. Application stands disposed of in above terms.

(M. W. CHANDWANI, J.)

(VINAY JOSHI, J.)