

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 213 OF 2023

- APPLICANTS :**
1. Gaurav s/o Mohan Sachdev,
Aged : 31 years, Occu : Private
R/o California, United States of America,
USA.
 2. Mrs. Indra w/o Mohan Sachdev,
Aged about : 70 years, occu : Nil.
 3. Mr. Mohan s/o Brijlal Sachdev,
Aged : 70 years, Occu : Nil.
 4. Mrs. Bhashi d/o Mohan Sachdeo,
Aged : 41 years, Occ : Household,
 5. Mr. Shankar Hariharan,
Aged about : 42 year, Occ : Private

Applicant No.2 to 5 R/o. 101,
Saraswati Sagar, CHS, Pawai Chowk,
Nr. Shiv Mandir, Ulhasnagar,
Mumbai.

Through : Power of Attorney :

Dr. Mukesh s/o Govindram Sukhija,
Aged : about 64 years, Occu : Physician,
R/o. Ward No.7, Gandhi Chowk,
Pulgaon, Dist. Wardha.

VERSUS

- NON-APPLICANTS :**
1. State of Maharashtra
Through Police Station Officer,
Police Station, Frezarpura,
Amravati.
 2. Sau. Swati w/o Gaurav Sachdev,
(After marriage),
Swati d/o Suresh Harwani,
(Before Marriage),
Aged 29 years, Occ : Household,

C/o Suresh Motumal Harwani,
R/o Jalaram Nagar, Prabha Colony,
Near Farshi Stop, Amravati,
Tq. and Dist. Amravati.

Shri P. V. Navlani, Advocate for applicants.

Shri S.S.Doifode, Additional Public Prosecutor for respondent No.1.

Shri R. Siddharth, Advocate for respondent No.2.

CORAM:- VINAY JOSHI AND

VALMIKI SA MENEZES, JJ.

DATED : 27/02/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.

2. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash FIR in Crime No.1645/2021 registered for the offence punishable under Section 498-A r/w Section 34 of the Indian Penal Code.

3. The couple got married on 12/12/2019, but due to temperamental differences, they started to reside separately from January, 2021. The wife has filed an application under the Protection of Women From Domestic Violence Act, 2005 as well as filed First Information Report alleging matrimonial harassment. Both spouses are well qualified. During pendency of this application, they realized that there is no purpose in prosecuting

the case against each other. With the intervention of learned Mediator and relatives, they decided to sever matrimonial ties to settle the matter forever. In view of that, both have jointly applied to Family Court, Amravati for Decree of Divorce by mutual consent, in which they have incorporated the terms of settlement. A sum of Rs.36,00,000/- (Rs. Thirty Six Lakhs) has been fixed to be paid by the husband to the wife towards full and final settlement and wife agreed to withdraw all the proceedings including existing First Information Report.

4. The informant lady has appeared suo motu through her Advocate Shri R. Siddharth and also, filed her reply stating that the matter is settled and she does not want to prosecute the criminal cases. The informant is present before us, who also agreed to the above terms and has no objection to quash First Information Report.

5. It was matrimonial dispute in between educated couple, who have no issue from the wedlock. They are in agreement that the marriage will not work. Therefore, they decided to sever the marriage and walk ahead in the life as per their choice. The matter is purely of domestic nature where settlement has been arrived. In view of that, we deem it appropriate to invoke our inherent powers vested under Section

482 of the Code.

6. The Application is allowed.

7. The First Information Report in Crime No.1645/2021 registered for the offence punishable under Section 498-A r/w Section 34 of the Indian Penal Code is hereby quashed and set aside.

8. The application stands disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

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