

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

CRIMINAL APPLICATION (APL) NO.1 OF 2023

- APPLICANTS** : 1. Dhananjay s/o Ghanshyam Mate,
Aged about 37 years, Occupation –
Medical Practitioner.
2. Ghanshyam s/o Ramkrushna Mate,
Aged about 73 years, Occupation –
Agriculturist.
3. Usha w/o Ghanshyam Mate,
Aged about 63 years, Occupation –
Household work.
- Nos.1 to 3 R/o. Sirsoli, Tah. Telhara,
District – Akola.
4. Vitthal s/o Ghanshyam Mate,
Aged about 43 years, Occupation –
Service,
5. Nilima w/o Vitthal Mate,
Aged about 32 years, Occupation –
Household,
- R/o. Nos.4 & 5 R/o. Yogeshwar
Colony, Telhara, Tah. Telhara, District-
Akola.
6. Pradip s/o Manikrao Mohod,
Aged about 45 years, Occupation –
Agriculturist,
7. Uma w/o Pradip Mohod,
Aged about 39 years, Occupation –
Household work.

Nos.6 & 7 R/o. New Umri, Tah.
Telhara, District – Akola.

..VERSUS..

- RESPONDENTS** :
1. State of Maharashtra,
Through its Police Station Officer,
Police Station Hiwarkhed, Tah. Akot,
District – Akola.
 2. Chhaya w/o Dhananjay Mate,
Aged about 30 years, Occupation –
Household, R/o. C/o. Prabhakar
Dnyandeo Zambare, Khadki Takli,
Post – Sukoda, Tah. and District –
Akiola. Tah. and

WITH

CRIMINAL APPLICATION (APL) NO.6 OF 2023

APPLICANT Chhaya w/o Dhananjay Mate,
Aged about 30 years, Occupation –
Household, R/o. C/o. Prabhakar
Dnyandeo Zambare, Khadki Takli,
Post - Sukoda, Tah. and District –
Akola.

..VERSUS..

- RESPONDENTS**
1. State of Maharashtra,
Through its Police Station Officer,
Police Station Hiwarkhed, Tah. Akot,
District – Akola.
 2. Dhananjay s/o Ghanshyam Mate,
Aged about 37 years, Occupation –
Medical Practitioner.

WITHCRIMINAL APPLICATION (APL) NO.7 OF 2023APPLICANTS

1. Dhananjay s/o Ghanshyam Mate,
Aged about 37 years, Occupation -
Medical Practitioner.
2. Ghanshyam s/o Ramkrushna Mate,
Aged about 73 years, Occupation –
Agriculturist
3. Usha w/o Ghanshyam Mate,
Aged about 63 years, Occupation –
Household work.

All R/o. Sirsoli, Tah. Telhara, District –
Akola.

..VERSUS..RESPONDENTS

1. State of Maharashtra,
Through its Police Station Officer,
Police Station Hiwarkhed, Tah. Akot,
District – Akola.
2. Chhaya w/o Dhananjay Mate,
Aged about 30 years, Occupation –
Household, R/o. C/o. Prabhakar
Dnyandeo Zambare, Khadki Takli,
Post – Sukoda, Tah. and District –
Akiola. Tah. and

WITHCRIMINAL APPLICATION (APL) NO.8 OF 2023APPLICANT

Chhaya w/o Dhananjay Mate,
Aged about 30 years, Occupation –
Household, R/o. C/o. Prabhakar
Dnyandeo Zambare, Khadki Takli,

Post – Sukoda, Tah. and District – Akola.

..VERSUS..

RESPONDENTS

1. State of Maharashtra,
Through its Police Station Officer,
Police Station Hiwarkhed, Tah. Akot,
District – Akola.
2. Dhananjay s/o Ghanshyam Mate,
Aged about 37 years, Occupation –
Medical Practitioner.

WITH

CRIMINAL APPLICATION (APL) NO.369 OF 2021

APPLICANTS

1. Sau. Chhaya Ghanashyam Mate
Aged : 30 Years Occp.: Home-maker
2. Prabhakar Dnyandeo Zamare
Aged : 60 Yrs Occp.: Agriculturist
3. Mirabai Prabhakar Zamare
Aged : 55 Yrs Occp.: Home-maker
4. Pankaj Prabhakar Zamare
Aged : 36 Yrs Occp.: Private job
5. Sharad Prabhakar Zamare
Aged : 30 Yrs Occp.: Agriculturist
6. Nanda Pramod Dobade
Aged : 35 Yrs Occp.: Home-maker

No. 1 to 6 All R/o Radhe Apartment,
New Bhagwat Plots, Behind ICON
Hospital, Akola

..VERSUS..

NON-APPLICANTS

1. State of Maharashtra,
Through Police Station Officer,
Hiwarkhed Tah. Akot Distt. Akola
2. Ghanshyam Ramkrushna Mate
Aged : 72 Occp.: Agriculturist R/o
Sirsoli Tah. Akot Distt. Akola Presently
R/o C/o Vitthal Ghanshyam Mate,
Yogeshwar Colony Tah. Telhara Distt.
Akola.

Shri Ankush M. Tirukh, Advocate for the Applicant(s) in APL 1/2023 & 7/2023.

Shri U. J. Deshpande, Advocate for the Applicant(s) in APL 6/2023, 8/2023 & 369/2021.

Ms M. H. Deshmukh, Addl. Public Prosecutor for Respondent/State in all applications.

Shri Ankush M. Tirukh, Advocate for the Respondent No.2 in APL 6/2023, 8/2023 & 369/2021.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 17th JANUARY, 2023.

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

. Heard.

2. By consent of the learned Counsel appearing for the parties, Criminal applications are taken up for final disposal at the stage of admission.

ADMIT.

3. By these applications, the Applicants are seeking to quash the respective crimes registered against them. A domestic dispute has engulfed family members of both sides

resulting into lodging of total five crimes against each other. Ultimately, both families have realized that they would be looser at the end, therefore with the consultation of family members, friends and relatives, they decided to settle all disputes forever and accordingly, terms have been settled. In pursuance of settlement arrived between the key personality of entire litigation i.e. husband and wife, they have filed a joint application to the Family Court, Akola for mutual divorce in terms of Section 13(B) of the Hindu Marriage Act, 1955. In said petition, the terms of settlement have been incorporated in detail. It has been agreed that the husband would pay total sum of Rs.15,00,000/- towards full and final settlement to the wife since both are in agreement that it is not possible for them to have reunion. In order to choose their own way in their future life, they have settled the dispute by above monetary adjustment and decided to put at rest all the pending criminal proceedings lying at different levels of the Court.

4. We have taken resume of all the petitions pertaining to the individual challenges made therein, which we can set

out in brief as below :

i) **CRIMINAL APPLICATION NO.1 of 2023.**

This application has been filed by total seven Applicants, who are seeking to quash Crime No.226 of 2019, pertaining to offence punishable under Sections 307, 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and related charge-sheet bearing No.7 of 2020, which has been numbered as Sessions Case No.21 of 2020, pending in the Sessions Court, Akot, District Akola. The said crime was registered at the instance of wife namely Chhaya resulted into filing of charge-sheet.

ii) **CRIMINAL APPLICATION NO.6 of 2023.**

This application is filed by wife Chhaya seeking to quash First Information Report (FIR) bearing Crime No.250 of 2020, registered with Police Station Hiwarkhed, District Akola, for the offence punishable under Sections 324, 323, 504 and 506 of the Indian Penal Code, 1860. The said report was lodged by husband Dhananjay for aforesaid offences. At the instance of said report, Police have already investigated the

matter and filed charge-sheet in the Court of Judicial Magistrate First Class, Telhara, which is numbered as RCC No.145 of 2020, of which wife seeks for quashing.

iii) **CRIMINAL APPLICATION NO.7 OF 2023**

This application has been filed by three Applicants for quashing FIR bearing Crime No.238 of 2020 alongwith charge-sheet, which has been turned into RCC No.10 of 2021, pending on the file of Judicial Magistrate First Class Telhara, District Akola. The said report was lodged by wife Chhaya against husband Dhananjay and his relatives. The said FIR relates to the offences punishable under Sections 323, 324, 504 and 506 read with Section 34 of the IPC.

iv) **CRIMINAL APPLICATION NO.8 OF 2023**

This application is filed by wife seeking to quash Crime No.144 of 2020 alongwith charge-sheet No.59 of 2020, which is numbered as RCC No.128 of 2020, for the offence punishable under Sections 324, 427, 504 and 506 of the IPC. The said crime was registered at the instance of husband Dhananjay and now the criminal case is pending in

the Court of Judicial Magistrate First Class Telhara, District Akola.

v) **CRIMINAL APPLICATION NO.369 OF 2021**

This application has been filed by wife and her relatives seeking to quash Crime No.96 of 2020, pertaining to a report lodged by her father-in-law Ghanshyam for the offence punishable under Sections 380, 427 and 457 read with Section 34 of the IPC. In the said case, charge-sheet has not been filed by virtue of our interim order dated 05.03.2021.

5. Today, all the informants of each crime i.e. wife Chhaya, husband Dhananjay and father-in-law Ghanshyam are present in Court, who are identified by their respective Counsels. Particularly, compromise terms, which have been filed in divorce petition (annexed in Criminal Application No.6 of 2023) has been read over to all informants. Specifically, we have asked wife Chhaya about the settlement, on which she has agreed to the contents therein. She is well aware that in view of full and final settlement, she has decided

to withdraw her two criminal cases and to get divorce by mutual consent. Father-in-law namely Ghanshyam, who is present in Court, has also volunteered that he desires to withdraw his criminal case as his son and daughter-in-law has full and finally settled the dispute. On the other hand, husband Dhananjay has also agreed to withdraw both criminal cases filed against the wife and her family members as the matter is finally settled. On verification, we are satisfied that the parties have voluntarily arrived at terms so as to put at rest entire controversy.

6. As regards to payment of Rs.15,00,000/- to the wife is concerned, statement has been made that the entire amount of Rs.15,00,000/- has been deposited by husband in Family Court, Akola, by demand draft, of which photocopy is part of Criminal Application No.6 of 2023.

7. So far as the pending cases are concerned except Sessions Case No.21 of 2020 arising out of Crime No.226 of 2019, rest three cases are pending in the Court of Judicial Magistrate First Class, Telhara, wherein yet charges have not

been framed. It is informed that though in Sessions Case No.21 of 2020, charge has been framed, however, yet evidence has not commenced. So far as the fifth Crime No.96 of 2020 is concerned, as stated above charge-sheet has not been filed.

8. It reveals that there appears to be a bitter enmity in between the spouses, which resulted into filing multiple complaints against each other by dragging the rest family members. Basically, it is a family dispute, which has bulged into spreading over several criminal cases, which the respective parties are prosecuting/defending for few years. It appears that due to advice of middle man, they have settled the dispute in the betterment of both family as well as to gain certainty in their future life. Though four crimes relate to compoundable case, however, Crime No.226 of 2019, relates to offence punishable under Sections 307 and 498A of the IPC. We have examined the FIR and related documents pertaining to said crime. It reveals that the wife has alleged that at relevant time, her husband and relatives have poured kerosene at her person and ignited. However, she has

extinguished the same immediately resulting into filing of report under Section 307 of the IPC. The Police paper does not bear medical certificate showing that the wife has sustained burn injury in the incident.

9. This Court is invested with wide inherent powers to secure the ends of justice as well as to prevent the abuse of the process of Court. Requiring parties to face all litigations would serve no useful purpose as the parties have settled dispute and the ultimately the chances of conviction are blink. Since all of them have settled the dispute, we are inclined to exercise our inherent power in putting an end to entire litigation between two families to maintain harmony in between them.

10. We are mindful of the fact that this is not an isolated case in between spouse, but each of them tried to counter the rival by filing repeated complaints, in which ultimately, the State and Court machinery would be sufferer. The Police have completed investigation and already filed the charge-sheet in the Courts of concerned Magistrate. Normally, if it was an isolated crime between spouses, we have precluded ourselves

from directing parties to reimburse the State, but as noted above, this case has its peculiar facts. In the circumstances, we deem it appropriate that in each petition, a cost of Rs.10,000/- is to be deposited to the High Court Legal Services Sub Committee, Nagpur, for use of State machinery.

11. In view of above, we proceed to pass the following order :

ORDER

a) We hereby quash and set aside Crime No.226 of 2019 and related Sessions Case No.21 of 2020 proceeding on the file of Additional Sessions Judge, Akot, District Akola. We of also quash and set aside Criminal Cases bearing RCC No.145 of 2020, 10 of 2021 and 128 of 2020, pending on the file of Judicial Magistrate First Class, Telhara. We also quash and set aside FIR bearing Crime No.96 of 2020, registered with Hiwarkehd Police Station, District Akola.

12. The above order is subject to deposit of Rs.10,000/- in each petition to the High Court Legal Services Sub Committee, Nagpur, within two weeks from today.

13. The respective Courts shall formally dispose the pending proceeding after ensuring deposit of cost amount in related applications under Section 482 of the Code of Criminal Procedure.

14. All criminal applications are disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

TAMBE