

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

CRIMINAL APPLICATION (APL) NO.514/2023

1. Akshay s/o Shrikant Deshmukh,
Aged 34, Occ Service,
2. Sau. Mangala w/o Shrikant Deshmukh,
Aged 56, Occ. Homemaker,
3. Shrikant s/o Eknathrao Deshmukh,
Aged 66, Occ. Retired.

All R/o Plot No.70, Shrinagar No.1,
Manewada Road, Nagpur.

... Applicants

- Versus -

1. State of Maharashtra Through
Police Station Officer, Police Station
Hudkeshwar, Nagpur, 440034.
2. Priya w/o Akshay Deshmukh,
Aged 32, Occ. Nil
R/o C/o Suresh Bhosale Ganesh
Nagar Nachangaon Road Pulgao
Dist. Wardha.

... Respondents

Mr. Sahil Mate, Advocate for the applicants.
Mr.A.M. Kadukar, APP for respondent no.1.
Mr. D.S.Lambat, Advocate for respondent no.2.

**CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.
DATE : 02.05.2023.**

ORAL JUDGMENT (Per VINAY JOSHI, J.)

Heard. Admit. Heard finally by consent of learned counsel for the respective parties.

2. This is an application seeking to quash FIR in Crime No.0533/2020 dated 19.12.2020 registered with Police Station, Hudkeshwar, Nagpur City for offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code and related charge-sheet bearing No.52/2021 dated 30/3/2021 on account of settlement.

3. At the instance of report lodged by lady, Crime is registered against the applicants, who are husband and near relatives of husband. She made allegations about matrimonial harassment. The police investigated the matter and filed charge-sheet. It is informed that though charge has been framed, however, evidence is not commenced.

4. The couple is young having no issue from the marriage. It was found that the marriage is unlikeable and with the intervention of relatives, they have decided to sever matrimonial ties. In view of the settlement, the parties have applied to the Family court for divorce by mutual consent which was granted on 17.1.2023. The husband has agreed to pay certain sum towards permanent alimony which was already paid to the wife. It is domestic dispute between couple. Offences cannot be termed as heinous or serious one. The informant-lady has filed reply stating about settlement. She has appeared and consented for quashing of FIR. In view of mutual settlement, we find no impediment to quash the proceedings.

5. In view of that, following order:-

(i) The application is allowed.

(ii) We hereby quash and set aside FIR in Crime No.0533/2020 dated 19.12.2020 registered with Police Station, Hudkeshwar, Nagpur City for offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code and related charge-sheet bearing No.52/2021 dated 30/3/2021

and consequential proceedings pending on the file of Judicial
Magistrate First Class, Nagpur.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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