

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

CRIMINAL APPLICATION (APL) NO. 411/2022

1. Vikas Arvind Bapat,
Age @ 33 yrs., Occ. Business,
2. Arvind Shankarrao Bapat,
Age @ 68 yrs., Occ. Business,
3. Aarti Arvind Bapat,
Age @ 65 yrs., Occ. Housewife,

All R/o. Plot No. 372, Madhav
Nagari, Isasani-Hingna Road, Nagpur,
Tq. & Dist. Nagpur.

APPLICANTS

VERSUS

1. State of Maharashtra through
through its Police Officer,
Chandrapur (City), Dist. Chandrapur.
2. Sau. Mona @ Reva Vikas Bapat,
Age @ 28 yrs., Occ. Not known,
R/o. Bhivapur Ward, Chandrapur,
Dist. Chandrapur.

NON-APPLICANTS

Mr. S.M. Vaishnav, Advocate for applicants.
Mr. N. R. Rode, APP for non-applicant No.1/State.
Mr. A. Gahlod, Advocate for non-applicant NO.2.

CORAM : **VINAY JOSHI AND**
BHARAT P. DESHPANDE JJ.
DATE : **24.04.2023**

ORAL JUDGMENT (PER VINAY JOSHI, J.)

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report ('FIR') vide Crime No. 45/2022 registered with Police Station, Chandrapur (City) for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code on account of settlement arrived in between the parties.

4. The informant got married with applicant No.1 on 23.12.2020. There were differences in between the couple. As the marriage was not proved to be workable, the wife has filed the report alleging matrimonial cruelty at the instance of husband and his relatives. By virtue of interim order passed by this Court, charge-sheet has not been filed.

5. During the pendency of proceeding, with the intervention of elderly person of the family, the matter has been settled. It was found that due to differences, it is difficult for the couple to live together and therefore, they took decision to sever matrimonial ties. The settlement was initiated and arrived before the Mediator in the Family Court, Nagpur. In pursuance of settlement, the husband has agreed to pay sum of Rs. Two lakhs to the wife towards permanent alimony. Both have filed the petition

for divorce by mutual consent. It was decided to return the Stridhan to the wife.

6. The informant wife is today present and filed a joint application about the settlement. The copy of compromise memo filed in the Family Court has also been tendered on record. The wife has accepted about the settlement and receipt of partial sum of Rs. One lakh as agreed. She has also agreed that as per Clause 5 of the settlement deed, she has received all the ornaments. Today, informant wife is present before us who is identified by her Advocate Mr. A Gahlod. We have inquired with the informant, on which she accepted about settlement and her no objection to quash FIR.

7. It is a family dispute. Couple found unable to live together. By consent, they decided to separate and lead the future life as per their choice. The couple has no issue from the wedlock. It would be in the interest of justice to exercise inherent powers. In view of that, application is allowed. We hereby quash and set aside FIR vide Crime No. 45/2022 registered with Police Station, Chandrapur (City) for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code.

8. Application stands disposed of in above terms.