

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

CRIMINAL APPLICATION (APL) NO.351 OF 2023

1. Rusheekesh Prashantrao Wankhade,
aged 32 years, occupation : Private
employment,
2. Jayashree Prashantrao Wankhade, aged
60, Occupation : House wife.

Applicant nos. 1 and 2 are residing at
Yashomangal Layout, V.M.V. Road,
Amravati, District Amravati.

3. Akshay Prashantrao Wankhade, Age : 35
years, Occupation : Private employment.

Applicant Nos. 3 and 4 are permanent
residents of Pune City residing at A-2
Building Lunkad Queensland opposite
Optimus Society, Viman Nagar, Lohgaon,
Pune.

... APPLICANT

VERSUS

1. The State of Maharashtra, through
Police Station Officer, Brahmanwadi
Police Station, Amravati (Rural),
Taluka and District Amravati.
2. Samiksha Rusheekesh Wankhade,
Age : 29 years, Occupation :
Unemployed, Residing at c/o
Prakashrao, Deshmukh, Surali,

Taluka : Chandur Bazaar, District
Amravati.

... NON-APPLICANTS

Shri R.D. Dhande, Advocate for the applicants.
Shri Rode, A.P.P. for non-applicant no.1/State.
Shri Joshi, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 04/05/2023.

JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. The matter is taken up for final hearing by consent of learned Counsel appearing for the respective parties.

3. Learned Counsel Shri Joshi was appointed through Legal Aid in the proceedings under the Protection of Woman from Domestic Violence Act. He is aware about the matter as well as acquainted with the informant. In view of that, we appoint the learned Counsel Shri Joshi to represent the informant in this proceeding too.

4. This is an application seeking to quash the First Information Report (FIR) in crime No.85 of 2023 registered with the Bramhanwadi

Police Station Amravati Rural for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, on account of settlement. It is submitted that yet the Charge-sheet has not been filed.

5. The informant lady got married with applicant no. 1 on 13.05.2021. Soon-after the marriage, she has faced matrimonial harassment by the husband and his relatives, therefore, she has lodged the report. The informant has also filed an application under the provisions of the Protection of Woman from Domestic Violence Act. In said proceedings, both were referred for mediation. The mediation process was successful in which the matter has been amicably settled. In view of settlement, the informant has filed a copy of an agreement along with her consent for quashing of the FIR. It was agreed that the parties shall apply to the Family Court for divorce by mutual consent. The husband would pay certain sum as specified in the agreement. The informant is present before us who is identified her Advocate Shri Joshi. The informant lady has agreed about the settlement and acceptances about the terms and conditions. She also gave her no objection to quash the criminal prosecution. As per the agreement, today, a cheque of Rs.3 lakhs has been handed over to the informant.

6. Learned Counsel Shri Dhande appearing for the applicants

gave assurances to this Court about the realization of the cheque. Since the domestic dispute is settled in between the parties, there is no purpose in continuing the criminal prosecution. In view of that we find no impediment in quashing the FIR. Hence, the following order is passed :

- (a) The application is allowed and disposed of.
 - (b) We hereby quashed and set aside the First Information Report (FIR) in crime No.85 of 2023 registered with the Bramhanwadi Police Station Amravati Rural for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.
7. Fess of the appointed Counsel be paid as per Rules.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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