

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

CRIMINAL APPLICATION (APL) NO. 406 OF 2021

1. Deepal Babulal Jadhav
Aged : 38 years, Occ.: Private
2. Suchita Deepak Jadhav
Aged about 32 years, Occ. Service

Applicant No.1 and 2,
R/o. Kharbi, Tah. Umarkhed,
Dist. Yavatmal.
- 3 Anita Uttam Rathod
Aged : 46 years, Occ.: Household
4. Uttam Hachya Rathod
Age: 50 years, Occ.: Retired
5. Rutuja Uttam Rathod
Age: 25 years, Occ.: Household
6. Riya Uttam Rathod
Aged : 19 years, Occ. Student

Applicant No.3 to 6,
R/o. Ward No.26, Lohara,
Dist. Yavatmal.
7. Jayashree Manohar Rathod
Age : 40 years, Occ.: Household.
8. Manohar Thakur Rathod
Age : 46 years, Occ.: Agriculture
Assistant,
Applicant No.7 and 8,
R/o. Hinghanghat, Dist. Wardha.
9. Sevidas @ Devidas Namdev Jadhav
Age : 78 years, Occ.: Nil,
R/o: Shahapur, Dist. Yavatmal.

... Applicants

Versus

1. State of Maharashtra,
PSO, PS Ghatanji, Yavatmal.

2. Priyanka Nitin Jadhav
Aged 24 years, R/o. Kinhi,
Tah. Ghatanji, Dist. Yavatmal

... Non-applicants

CRIMINAL APPLICATION (APL) NO. 449 OF 2021

1. Nitin Babulal Jadhao
Age : 33 years, Occ.: Service

2. Draupadabi Babulal Jadhao
Aged about 65 years, Occ.: Household

3. Babulal Namdev Jadhao
Aged : 75 years, Occ.: Nil

R/o. Wadgaon Jungle, Yavatmal.

Versus

1. State of Maharashtra,
PSO, PS Ghatanji, Yavatmal.

2. Priyanka Nitin Jadhav
Aged 24 years, R/o. Kinhi,
Tah. Ghatanji, Dist. Yavatmal

... Applicants

... Non-applicants

Mr. Shahrukh Shah, Advocate for applicants in both applications.

Mr. S.S. Doifode, APP for non-applicant No.1 in both applications.

Mr. M.I. Dhattrak, Advocate for non-applicant No.2 in both applications.

**CORAM : VINAY JOSHI, AND
VALMIKI SA MENEZES, JJ.**

DATE : 01.03.2023.

ORAL JUDGMENT: (PER: Vinay Joshi, J)

Rule. Rule made returnable forthwith. Heard finally
by consent of both the learned counsel for the parties.

(2) Since, both applications are arising out of the same crime, for the sake of convenience, we have taken them together for hearing and disposal.

(3) At the instance of report lodged by non-applicant No.2-wife, crime has been registered vide C.R. No.79/2021 with Police Station Ghatanji, District – Yavatmal, for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code against several persons. Criminal Application (APL) No.449/2021, has been filed by husband that parent-in-law seeking to quash said FIR, whilst Criminal Application (APL) No.406/2021, has been filed by the relatives of husband seeking the similar relief.

(4) The couple got married on 15.05.2019. After initial few days, there was a discord in matrimonial life that is why, they started to reside separately. The wife alleges that she was subjected to cruelty therefore, she has filed the concerned police report. The couple has no issues from the wedlock. It was realized by both that their marriage is not workable, therefore, with the intervention of relatives, they decided to sever matrimonial ties. The matter was settled in

between the parties, on which, they decided to obtain a decree of divorce and husband agreed to pay sum of Rs.8,50,000/- (Rs. Eight Lakh Fifty Thousand Only) towards full and final settlement. In accordance with that both have jointly applied for decree of divorce, which was granted by the Family Court vide order dated 20.01.2023.

(5) The non-applicant No.2 – wife is present in Court. She has been identified by her Advocate Mr. M.I. Dhattrak. The non-applicant No.2 is accompanied in Court with her father. We have enquired with the non-applicant No.2, on which, she accepted the contention that matter has been settled and she has received the total sum of Rs.8,50,000/- (Rs. Eight Lakh Fifty Thousand Only). She also gave her no objection to quash the proceedings, as the matter is settled.

(6) It is a domestic dispute which has been settled by the parties. Both have decided to patch-up the differences and lead their future life as per their choice. The alleged offence cannot be termed as anti-social or of heinous nature. Since, the matter is settled and decree of divorce has already been passed, we deem it appropriate to invoke inherent powers.

(7) In view of that, both applications are allowed.

(8) We hereby quash and set aside the Crime No.79/2021, registered with Police Station Ghatanji, District – Yavatmal, for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code.

(9) Pending application(s), if any, also stand(s) disposed.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

Prity