

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

CRIMINAL APPLICATION (APL) NO. 410 OF 2023

1. Vishwajeet s/o Pradiprao Chouhan
Aged about 33 years,
Occ. Homeopathic Doctor
2. Vidyabai Pradeeprao Chouhan
Aged 55 years, Occ. Household,
3. Pradeeprao Chouhan
Aged about 68 years, Occ. Retired,
4. Mayur s/o Pradeeprao Chaohan
Aged about 28 years, Occ. Student,
Applicant No.1 to 4, R/o House No.226,
Near MPEB Office Shivaji Park,
Shanti Nagar, Mhowgaon, Mhow,
Indore, Madhya Pradesh.
5. Sau. Ujwala Arvind Meshram
Aged 39 years, Occ. Ladies tailor,
6. Arvind s/o Ramdas Meshram
Aged about 49 years, Occ. Service,
Applicant No.5 & 6, R/o. Plot No.5d,
Palandurkar Society, Dabha Wadi,
Nagpur.
7. Sunil s/o Nanaji Khobragade
Aged about 50 years, Occ. Tailor
8. Ritesh s/o Sunil Khobragade
Aged about 32 years, Occ.: Service,
Applicant No.7 & 8, R/o. 178,
Pension Pura, Mhow, Tah. & Dist. Indore,
Madhya Pradesh – 452441.

... Applicants

Versus

1. State of Maharashtra,
Through P.S. Tiwasa,
Tah. & Distt. Amravati.

2. Saul. Kalpana w/o Vishwajeet Chauhan
Aged about 27 years, R/o. Surwadi,
Tah. Tiwasa, Amravati (Rural),
Distt. Amravati.

...Non-applicants

Ms. Aarti Singh, Advocate for applicants.

Mr. V.A. Thakare, APP for non-applicant No.1.

CORAM : VINAY JOSHI, AND
VALMIKI SA MENEZES, JJ.
DATE : 27.06.2023.

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Criminal Application (APPP) No. 979/2023

This is an application seeking amendment on account of subsequent event of filing of the charge-sheet.

(2) The application is allowed and disposed of accordingly.

(3) Necessary amendment be carried out forthwith.

(4) Heard.

(5) **Admit.** Heard finally by consent of both the learned counsel for the parties.

(6) This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash FIR arising out of Crime No.19/2023 registered with Police Station Tiwasa, Tah. Tiwasa, Dist. Amravati, for the offences punishable under Sections 498-A, 323, 504,

506 read with 34 of the Indian Penal Code and related charge-sheet on account of mutual settlement.

(7) The couple got married on 18.12.2021. After marriage the informant resumed cohabitation with her husband and relatives who are applicants herein. After some days there was matrimonial discord, for which, the informant has lodged the report on the basis of which the crime was registered. With the intervention of friends and relatives, the matter was amicably settled. The couple realized that it is difficult to go on with the marriage, therefore, both have decided to disconnect matrimonial ties. In accordance with the settlement, they have applied for divorce by mutual consent which is pending. Towards full and final settlement, husband agreed to pay a sum of Rs.2,00,000/- (Rs.Two Lakhs Only) as a lump sum maintenance which is paid today to the wife by handing over Demand Draft.

(8) The non-applicant No.2-wife is present before us who is accompanied by her father. Non-applicant No.2 is identified by learned counsel Ms. Aarti Singh. On enquiry, the non-applicant No.2 (informant) has confirmed about the settlement, receipt of Demand Draft and her no objection to quash the criminal proceeding.

(9) It reveals that since from the marriage the couple got it difficult to adjust with each other, therefore, they consciously took decision to separate so as to lead their future life as per choice. Since the matter is settled, continuation of trial would be abuse of the process of Court.

(10) In view of above, we deem it appropriate to exercise our inherent jurisdiction to secure the ends of justice.

(11) The application is allowed. We hereby quash and set aside the FIR in Crime No.19/2023 registered with Police Station Tiwasa, Tah. Tiwasa, Dist. Amravati, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code along with related bearing RCC No.61/2023 pending on the file of Judicial Magistrate First Class, Tiwasa. Dist. Amravati.

(12) The application stands disposed in above terms.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]