

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

CRIMINAL APPLICATION NO.536 OF 2023

1. Sushil s/o Rajkumar Mankani & one,
aged about 30 yrs, Occu : Private,
2. Smt. Kalpana w/o Rajkumar Malkani,
Aged about 52 yrs, Occ. Housewife, R/o
Plot No. 894, Teen Khamba, Shitala
Mata Mandir, Timki, Nagpur.

... APPLICANTS.

VERSUS

1. State of Maharashtra, through
P.S.O. Tahasil, Nagpur.
2. Tina @ Bhagwati w/o Sushil
Mankani, Aged : 30 years, Occu.
Private Job, R/o Plot No. 294, c/o
Yadvendra Budhawani, Sinddhi
Colony, Khamla, Nagpur.

... NON-APPLICANTS.

Shri M.V Rai, Advocate for the applicants.
Shri V.A. Thakare, A.P.P for the non-applicant/State.
Smt. S. Khobragade, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 18.07.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Heard.

2. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

3. This is an application under Section 482 of the Code of Criminal Procedure seeking to quash the First Information Report vide Crime No.72 of 2023 registered with the Tahasil Police Station, Nagpur City for the offence punishable under Sections 498-A, 377, 323, 506 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act, 1961, on account of settlement.

4. The couple got married on 19.04.2022 and started to live together, however within two months, there was matrimonial dispute on which the wife has lodged the police report making various allegations. The couple has no issue from the said wedlock. During the pendency of the application, with aid and intervention of friends and relatives, the matter was amicably settled in between the parties. Both have found it difficult to pull on the marriage, and thus, they decided to sever matrimonial ties. In accordance with the settlement, they have jointly applied to the Family Court, Nagpur for divorce. It is

submitted by both sides that the Family Court has passed the Decree of Divorce on 07.07.2023 in terms of Section 13-B of the Hindu Marriage Act. As per the settlement, it was agreed that the informant wife shall co-operate for quashing of the existing FIR.

5. Today, the informant wife is present before the Court and accompanied with her father. The informant is identified by her Advocate Mrs. Khobragade. She has also filed an affidavit in reply stating about settlement and her no objection to quash the FIR. We have ascertained the terms of affidavit from the informant to which she agreed. It appears that the marriage was not workable, therefore both have decided to dissolve the marriage and to chose future path as per their choice. The offence is matrimonial, which cannot be termed as heinous or anti social. The chances of conviction are remote and bleak as the matter is settled.

6. In view of that the application is allowed.

7. We hereby quashed and set aside the First Information Report vide Crime No.72 of 2023 registered with the Tahasil Police Station, Nagpur City for the offence punishable under Sections 498-A, 377, 323, 506 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act, 1961.

8. The application stands disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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