

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

CRIMINAL APPLICATION (APL) NO. 540 OF 2023

1. Kiran Prakash Manmode, Age about 31 years, occupn. Service.
2. Sau. Indubai Prakash Manmode, aged about 56 years, Occpn. Household.
3. Prakash Manmode, aged about 59 years, Occupn. Nil.

All r/o Vyala, Tq. Balapur, Distt. Akola.

... APPLICANTS

VERSUS

1. State of Maharashtra, through P.S.O. Khandan Police Station, Akola.
2. Komal Kiran Manmode, aged about 22 years, Occupn. Household, R/o C/o Vilas Pandharinath Suryavanshi, Ram Nagar, Plot No.14/13, Near Hanuman Mandir, Near Old Well, Girna Pumping Road, Shridhar Nagar Jalgaon (Khandesh)

... NON-APPLICANTS

Shri A.M. Sharma, Advocate for the applicants.
Shri Kadukar, A.P.P. for the non-applicant/State.
Ms. G. Mishra, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 28/04/2023.

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. By this application the applicants is seeking to quash the First Information Report vide Crime No.341 of 2022 registered with the Khadan Police Station District Akola for the offence punishable under Sections 498-A, 377, 323, 504, 506 read with Section 34 of the Indian Penal Code, on account of settlement.

4. The marriage of the informant and applicant no.1 took place on 20.04.2022. After marriage, the lady resumed co-habitation, however she suffered matrimonial harassment. It is alleged that the applicants has also sexually harassed the lady for which the report. It is informed that yet the charge-sheet has not bee filed.

5. The couple has no issue from the marriage. The husband has already filed a petition for restitution of conjugal rights. During pendency of said proceeding, with the aid and intervention of friends

and relatives, the parties have arrived at settlement. It was decided that as the marriage is not workable, they would sever the matrimonial ties by applying for divorce. It was decided that the husband shall pay sum of Rs.2.51 lakhs towards full and final settlement. The terms of settlement were reduced into writing and filed on the record. The informant lady has filed a reply stating about the settlement and her no objection for quashing of FIR.

6. The couple is young and desirous to break the marriage as despite efforts they are of the view that it would not work in future. They wanted to lead their life as per their choice. The informant stated that out of domestic dispute, she has filed the report. Though there are some serious allegations, the wife stated that she has no grievance on account of settlement. Everything erupted out of matrimonial differences, which cannot be stated to be antisocial. Having regard to the fact that both are willing to settle the dispute and lead their life separately, for betterment of the couple, we deem it appropriate to exercise our inherent jurisdiction.

7. We have attracted the attention of parties to the fact that the FIR was filed long back and the Police have carried investigation by devoting time. At this juncture, learned Counsel for the applicants

undertakes to pay costs of Rs.10,000/-.

8. In view of the above, the application is allowed. We hereby quashed and set aside the First Information Report vide Crime No.341 of 2022 registered with the Khadan Police Station District Akola for the offence punishable under Sections 498-A, 377, 323, 504, 506 read with Section 34 of the Indian Penal Code.

9. The applicants shall deposit the costs of Rs.10,000/- with the High Court Bar Association on or before **03.05.2023**. The matter be placed on **04.05.2023** for noting compliance.

10. The application stand disposed of accordingly.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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