



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

CRIMINAL APPLICATION (APL) NO.601 OF 2022

1. Tushar S/o Vasant Dharmik
Aged about 33 years, Occ: Service
2. Vasant S/o Laxmanrao Dharmik
Aged about 63 years, occ: Retired
3. Smt. Vaishali W/o Vasant Dharmik
Aged about 58 years, Occ: Household

All R/o Plot No.123, Rutuja Apartments,
Flat No.301, Pande Layout Khamla,
Police Station, Ranapratap Nagar,
Nagpur-440025.

..Applicants

..VERSUS..

1. State of Maharashtra,
Through PSO, Ranapratap Nagar,
Nagpur.
2. Shivani W/o Tushar Dharmik,
Aged about 26 years, Occ: Service
in Persistent Co. Nagpur, R/o Plot no.157,
Shilpa Society, Behind UCO Bank,
Manish Nagar, Somalwada, Nagpur- 440015. ... **Non-applicants**

Shri S.D. Pande, Advocate for applicants.
Shri S.S. Doifode, APP for non-applicant no.1.
Shri Aadil Mirza, Advocate for non-applicant no.2.

CORAM :- VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED :- 06.12.2023.

ORAL JUDGMENT (PER : VINAY JOSHI, J.):

. Heard. **Admit.**

2. By consent of the learned counsel for the parties, the matter is taken up for final disposal.

3. This is an application seeking to quash Charge-sheet No.170/2022 arising out Crime No.103/2022 registered with Police Station, Ranapratap Nagar, Nagpur for the offence punishable under section 498A of the Indian Penal Code, on account of mutual settlement.

4. The couple got married on 21.08.2021 and started to reside together. After few days there was matrimonial discord, which resulted into filing of the report alleging matrimonial harassment. The police investigated the matter and filed charge-sheet. It is informed that yet trial Court has not framed charge. In the meantime, with the aid and intervention of the parents and relatives, the matter has been amicably settled. Both parties decided to sever the matrimonial ties by applying the Family Court for divorce by mutual consent. In view settlement, a joint petition (HMP F-880/2023) for seeking divorce has been filed.

5. Today, the informant is present in Court, who has identified by her counsel. Parties have filed joint pursis stating about settlement and no objection to prosecute the criminal case. We have verified contents of the pursis from the informant, to which she agreed. It is a matrimonial dispute, which is now settled. In the circumstance, there

is no purpose in prosecuting the criminal case, which would be exercise in futility.

6. In view of above, the application is allowed and disposed of.

7. We hereby quash and set aside the Charge-sheet No.170/2022 (R.C.C. No.4600/2022) arising out of Crime No.103/2022 registered with Police Station, Ranapratap Nagar, Nagpur for the offence punishable under section 498A of the Indian Penal Code, pending on the file of Judicial Magistrate First Class, Nagpur.

(M.W. CHANDWANI, J)

(VINAY JOSHI, J.)

Wagh