

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

Criminal Application (APL) No.315/2019

Swapnil and others V State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Ms Sneha Dhote, Advocate h/f Mr. R.R. Vyas, Advocate for applicants.
Mr. V.A. Thakare, APP for non-applicant no.1.
Mr. Bhushan Dafle, Advocate for non-applicant no.2.

CORAM : Vinay Joshi & Valmiki Sa Menezes, JJ.
DATE : 07-07-2023

Heard.

2. **Admit.**

3. This is an application seeking to quash the FIR in Crime No.0023/2019, Police Station Morshi, District Amravati Gramin for the offence punishable under Section 498-A read with section 34 of the Indian Penal Code along with related criminal case bearing R.C.C. No.193/2022 pending on the file of JMFC Morshi, District Amravati, on account of mutual settlement. The couple got married on 09-05-2018. However, within two days from the marriage they found it difficult to pull on the matrimonial ties due to differences. Since the informant felt harassment on the

part of her husband and relatives of husband, she has filed the Police report. During the pendency of this proceeding, the parties realized that they could not live together and it is in the betterment of both to sever matrimonial ties in view of said settlement.

4. They have filed a petition for divorce under Section 13(b) of the Hindu Marriage Act in the Family Court, Amravati bearing Petition No.213/2023. A copy of said petition is produced on record. It reveals that the husband has agreed to pay Rs.10,40,000/- towards full and final settlement. It was decided to pay Rs.50,000/- to the lady at once and remaining amount of Rs.9,90,000/- to be deposited in the Family Court which shall be disbursed to the lady after decree of divorce. In view of settlement, the wife has agreed to cooperate the husband in the present quashing proceeding relating to her Police report.

5. Today, the informant/wife is present before us, who is identified by learned Advocate Mr. Dafle. The informant lady is accompanied by her brother namely Ankush Diliprao Umale. The informant lady has accepted about the settlement, the arrangement of monetary consideration and her no objection for quashing of the FIR. She has also filed a separate Pursis to that effect.

6. The couple is young having no issue from the wedlock. They are desirous to separate from each other and to lead their life as per their choice. Since the matter is settled, there is no purpose in continuing the criminal prosecution. The offence being matrimonial it cannot be termed as heinous or antisocial. Having regard the above facts, the continuation of prosecution would be abuse of the process of Court.

7. In view of that, the application is allowed. We, therefore, quash and set aside the FIR in Crime No.0023/2019, Police Station Morshi, District Amravati Gramin for the offence punishable under Section 498-A read with section 34 of the Indian Penal Code along with related criminal case bearing R.C.C. No.193/2022 pending on the file of JMFC Morshi, District Amravati.

8. Application stands disposed.

JUDGE

JUDGE