

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

CRIMINAL APPLICATION (APL) NO.627 OF 2021

[Dinesh s/o Haribhau Tandale and Ors. ..V/s.. The State of
 Maharashtra and Anr.]

WITH

CRIMINAL APPLICATION (APL) NO.707 OF 2021

[Mr. Pandurang Supada Wadhe and Ors. ..V/s.. State of Maharashtra
 and Anr.]

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Shri M. Bute, Adv. h/f Shri S. A. Deshmukh, Advocate for the Applicants in APL 627/2021
 Shri R. N. Badhe, Advocate for Applicants in APL 707/2021.
 Ms M. H. Deshmukh, Addl. P. P. for the Respondent No.1 in both applications.
 Shri S. A. Mohta, Advocate for the Respondent No.2 in both applications.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 17th JANUARY, 2023.

1. Both these applications are arising out of registration of Crime No.89 of 2021, registered with Police Station Nandura, District Buldhana, for the offence punishable under Sections 323, 498A, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

2. The Applicants are husband and nearer relatives of informant namely Arati. Initially, informant has lodged a report for matrimonial cruelty against all Applicants. The police investigated the matter and filed charge-sheet in the Court of Judicial Magistrate First Class, Nandura, bearing RCC No.230 of 2022, which is pending.

3. In the meantime, with mediation of relatives and friends, the parties have settled the dispute finally. Towards settlement, they have decided to secure their relations forever as the marriage

is not workable. The parties have decided to take divorce and in view of that husband was to pay Rs.4,90,000/- towards full and final settlement to the wife. In accordance with the settlement arrived by the parties, the couple has approached to the Court of Civil Judge Senior Division, Malkapur for divorce by mutual consent. In accordance with that a decree of divorce has been passed on 07.01.2023, of which copy has been tendered. The informant lady has filed an affidavit about settlement and receipt of amount of Rs.4,90,000/-

4. The informant Arati is personally present in Court, who is identified by her Advocate in Court. We have verified the contents with the informant lady to which she agreed and consented for quashing her FIR and related further criminal proceedings. Record indicates that the matter was also referred for mediation. The parties have settled the dispute before Mediator, of which a copy of order has been tendered on record.

5. It is a domestic dispute, which the parties have mutually settled for betterment of their future. It is informed that though charge-sheet has been filed, charges have yet not been framed. Since the matter is settled, no fruitful purpose would be served in compelling parties to go on trial, which would ultimately a fruitless exercise. We inclined to invoke our inherent powers in the facts and circumstances of this case. In view of above, we hereby quashed and set aside FIR in Crime No.89 of 2021, registered with Police Station Nandura, District Buldhana alongwith Criminal Case bearing RCC No.230 of 2022, pending on the file of Judicial Magistrate First Class Nandura, District

Buldhana. Both applications stand disposed in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

TAMBE