

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

CRIMINAL APPLICATION (APL) NO. 557 OF 2023

Bhagwat Shriram Padolkar
Age – 37, Occu. Agriculturist,
R/o. Kavhala, Tq. Chikhali,
Dist. Buldhana.

} ... Applicant

Versus

1. State of Maharashtra,
Through Police Station Officer,
Police Station Andhera,
Tq. Deulgaon Raja, Dist. Buldhana.
2. Snehal Bhagwat Padolkar
Age 30 yrs, Occu. Household,
R/o. Mehara Bk., Tq. Chikhali,
Dist. Buldhana.

} ...Non-applicants

Mr. Kartik Rao, Advocate for applicant.

Mr. N.R. Rode, APP for non-applicant No.1.

Mr. Rishi D. Narkhede, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI, AND
BHARAT P. DESHPANDE, JJ.

DATED : 20.04.2023.

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

. **Admit.** Heard finally by the consent of the learned
counsel for the respective parties.

(2) This is an application in terms of Section 482 of the
Code of Criminal Procedure, seeking to quash FIR vide Crime

No.85/2022, for the offence punishable under Sections 377, 498-A, 294, 506 read with Section 34 of the Indian Penal Code registered with Police Station Andhera, Tq. Deulgaon Raja, District – Buldhana, along with charge-sheet No.7/2023, filed in the Court of Judicial Magistrate First Class, Chikhali, District Buldhana. The quashing is sought on account of mutual settlement in between the parties. The family members of petitioner – husband have filed Criminal Application (APL) No.491/2022, for quashing of the same FIR, which was quashed by this Court vide order dated 17.11.2022 on account of settlement.

(3) The wife has lodged report alleging matrimonial harassment and unnatural sexual activities at the hands of husband. During pendency of petition, the parties have amicably settled the dispute and decided to obtain a divorce by mutual consent. In accordance with that they have filed Hindu Marriage Petition No.87/2022, in the Court of Civil Judge Senior Division, Buldhana. One of the term of settlement was that the husband was supposed to pay sum of Rs.12,00,000/- to the wife towards full and final settlement. The wife has appeared before this Court and made a statement about the compromise and her no objection to quash FIR.

In pursuance of that husband has deposited the entire sum in the Civil Court where Hindu Marriage Petition is pending. Today, receipt of deposit has been shown across the bar, about the deposit made on 17.04.2023.

(4) The parties found that their marriage is not workable and therefore, they took conscious decision to separate from each other. The issue of custody as well as maintenance has been resolved by way of settlement. The parties are desirous to lead their life separately as per their choice.

(5) Considering the peculiar facts of this case, the offences cannot be termed as anti social or heinous. Continuation of criminal prosecution may put hurdle in the settlement mutually arrived by the parties. Having regard to above, peculiar facts, we are inclined to invoke our inherent jurisdiction.

(6) In view of that, the application is allowed. We hereby quash and set aside FIR in Crime No.85/2022, registered with Police Station Andhera, Tq. Deulgaon Raja, District – Buldhana, for the

offence punishable under Sections 377, 498-A, 294, 506 read with Section 34 of the Indian Penal Code along with Charge-sheet No.07/2023, filed in the Court of Judicial Magistrate First Class, Chikhali, District Buldhana.

[BHARAT P. DESHPANDE, J.]

[VINAY JOSHI, J.]

Prity