

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

CRIMINAL APPLICATION NO.696 OF 2023

1. Nitin s/o Kothiram Choudhary, Aged 42 years, Occ. Private, R/o 31, Vishwkarma Nagar, Lane No. 3, Nagpur.
2. Asha w/o Kothiram Choudhary, Age – 66, Occ. Housewife, R/o vishwkarma Nagar, Lane No. 3, Nagpur
3. Jyotsana w/o Nagesh Devekar, Aged 48 years, Occ. Housewife, R/o R. 27, Reshambagh, Umred Road, Nagpur.
4. Nanasaheb s/o Nagesh @ Jaggannathrao devekar, aged 57, Occ. Retired, R/o 27, Reshambagh, Umred Road, Nagpur.
5. Manjusha w/o Prakash Sekrutwar Age – 45, Occ. Housewife, R/o Arjan Nagar, Shiv Mandir, Amravati.

... APPLICANTS.

VERSUS

1. State of Maharashtra, through Police Station Officer, Police Station, Gadgenagar, Amravati, District Amravati.
2. Kalyani @ Kavita Madhukarrao Ranjankar (before Marriage) Kalyani @ Kavita w/o Nitin Chaudhary

(After marriage), aged about 41,
Occ. Private Job, at Tanishque, R/o
Menakshi Colony, Tapovan,
Amravati.

... NON-APPLICANTS.

Shri S.S. Dhengale, Advocate for the applicants.
Shri Rode, A.P.P for the non-applicant/State.
Ms. Shreya Jain, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 03.08.2023.

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

Heard.

2. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

3. This is an application seeking to quash the First Information Report as well as Charge-sheet relating to crime No.920 of 2017 registered with the Gadge Nagar Police Station, Amravati City for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, on account of settlement.

4. The couple got married in the year 2009. They had a son

from the said wedlock. After few years, there was matrimonial discord to which the informant wife has lodged the report.

5. During pendency of this proceeding, the parties have mutually settled the differences. It was decided that they would obtain decree of divorce and husband would executed a gift deed of house property in favour of wife. In pursuance of settlement, gift-deed was executed at the office of Sub-Registrar, Hingna on 15.09.2021. The wife has no objection to quash the proceeding. She has filed the Pursis to that effect. Today, the informant/wife is present before the Court, who is identified by her learned Counsel Ms. Shreya Jain. On our query, she accepted the settlement, decree of divorce, execution of gift-deed and gave her no objection to quash the FIR. Since it is a matrimonial dispute, we find no difficulty in quashing the proceedings on account of settlement.

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

7. We hereby quash and set aside the First Information Report in crime No.920 of 2017 registered with the Gadge Nagar Police Station, Amravati City for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code as well as related Criminal Case bearing Regular Criminal Case No. 587 of 2019

pending on the file of the Judicial Magistrate First Class, Amravati.

8. The application stands disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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