

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

CRIMINAL APPLICATION (APL) NO. 502 OF 2020

- | | | |
|--|---|----------------|
| 1. Kushagra Ganesh Fating
Aged : 30 years, Occ.: Private | } | ... Applicants |
| 2. Chaya @ Neha Ganesh Fating
Age : 55 years, Occ.: Household,
R/o. Sant Kabir Ward, Hinganghat. | } | |

Versus

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|---|---|-------------------|
| 1. The State of Maharashtra,
PSO, PS Hinganghat, Wardha | } | ...Non-applicants |
| 2. Harshal Kushagra Fating
C/o Bholeshwar Sambhaji Shelkar,
Datta Mandir Ward, Hinganghat,
Dist. Wardha. | } | |

WITH

CRIMINAL APPLICATION (APL) NO. 503 OF 2020

- | | | |
|--|---|----------------|
| 1. Jayprakash Wadgu Bhute
Aged : 36 years, Occ.: Business | } | ... Applicants |
| 2. Disha Jayprakash Bhute
Age : 31 years, Occ.: Household, | } | |
| 3. Isha Chandrashekhar Patil
Age : 33 years, Occ.: Household, | } | |
| Applicant No.1 and 2, R/o. Nishanpura Ward,
Hinganghat. | } | |
| Applicant No.3, R/o. Butibori, Nagpur. | } | |

Versus

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|---|---|-------------------|
| 1. The State of Maharashtra,
PSO, PS Hinganghat, Wardha | } | ...Non-applicants |
| 2. Harshal Kushagra Fating
C/o Bholeshwar Sambhaji Shelkar,
Datta Mandir Ward, Hinganghat,
Dist. Wardha. | } | |

Mr. M.N. Ali, Advocate for applicants.

Mr. V.A. Thakare, APP for non-applicant/State in both applications.

Mr.S.N. Singh, Advocate h/f Mr. A.A. Dhawas, Advocate for respondent No.2 in both applications.

**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) Both applications are for seeking to quash the same FIR registered vide Crime No.330/2020, registered with Police Station Hinghanghat, District – Wardha, for the offence punishable under Sections 498-A, 109 read with Section 34 of the Indian Penal Code. The applicants' are husband, mother-in-law, brother-in-law and sister-in-laws of the informant lady. Initially, quashing was sought on merits, however, as the matter is settled, the applicants are seeking to quash FIR on account of settlement.

(3) The couple got married in the year 2018. The wife has lodged a police report on account of alleged harassment, at the

hands of husband and nearer relatives of husband. The couple has no issue from marriage. They are residing separately since long. Considering their future, with the advice of elderly, they have settled the dispute. It was agreed that both shall seek divorce by mutual consent and husband would pay Rs.11,50,000/- to wife towards full and final settlement. The informant-wife has filed reply in both applications about settlement and her no objection to quash FIR. The informant is present before us, who is identified by her Advocate Mr. S.N. Singh. On our query, informant stated about settlement and her no objection to quash FIR.

(4) The learned counsel appearing for parties would submit that in pursuance of settlement, petition for divorce by mutual consent has been filed in the Court of Civil Judge Senior Division, Hinghanghat, which is numbered as Hindu Marriage Petition No.21/2023. Moreover, the learned counsel appearing for informant-wife submits that husband has already deposited agreed sum of Rs.11,50,000/-in the Court of Civil Judge Senior Division, Hinganghat. The dispute is of domestic nature. In order to lead future life as per choice, the parties have decided to severe matrimonial ties. In the

circumstances, there is no purpose in going on with the criminal prosecution as ultimately, it would be a futile exercise.

(5) In view of that, both applications are allowed. We hereby quash and set aside the FIR in Crime No.330/2020, registered with Police Station Hinganghat, District – Wardha, for the offences punishable under Sections 498-A, 109 read with Section 34 of the Indian Penal Code.

[BHARAT P. DESHPANDE, J.]

[VINAY JOSHI, J.]

Prity