



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

CRIMINAL APPLICATION (APL) NO. 452 OF 2019

- APPLICANTS :**
1. Prafulla Uttamrao Wankhade,
Age about - 37 years,
Occupation – Service; R/o Shaskiya Nivas
Sthan no.2/27, Behind District Stadium,
In front of Water Tank, Candrapur,
Tq & Dist – Chandrapur. (Husband).
 2. Geetabai Uttamrao Wankhede,
Aged about 70 years, Occ : Nil
(Mother-in-law).
 3. Sau. Karuna Deepak Wanjare,
Aged about 48 years, Occ : Housewife
(Sister-in-law).
 4. Suchita Krushna Sonowane,
Aged about 60 years, Occ : Housewife,
R/o Nawin Sonkhat, Th. Mangrulpir,
Dist. Washim.
(Sister-in-law).
 5. Sau. Vishakha Anil Bihade,
Aged about 53 years, Occ : Housewife,
R/o Ekvira Nagar, Tq. & Dist. Yavatmal.
(Sister-in-law).
 6. Deepak Bhopatrao Wanjare,
Aged about 60 years, Occ: LIC Agent
(Husband of sister-in-law).
 7. Siddharth Uttamrao Wankhede,
Aged about 58 years, Occ : Nil
R/o Lavana, Tq. Mangrulpir,
Dist. Washim.
(Brother of Husband).
 8. Vilas Uttamrao Wankhede,
Aged about 54 years, Occ : Service
(Brother of Husband).

Applicant No.2, 3, 5, 6 and 8 are
R/o New Sonkhas Behind Shrikrushna
Temple, Mangrulpir, Tq. Mangrulpir,
Dist. Washim.

VERSUS

RESPONDENTS :

1. State of Maharashtra
Through Police Station Officer,
Police Station, Digras, Tq. Digras,
Dist – Yavatmal.
2. Sau. Pushpamala Praful Wankhede
Aged about 32 years, Occ : Legal
Practitioner, R/o Behind Old Bus Stop,
Telangipura, Digras, Tq. Digras,
Dist. Yavatmal.

Shri A. V. Band, Advocate for applicants.

Shri N. R. Rode, Additional Public Prosecutor for respondent No.1.

Shri Sandeep Tatke, Advocate for respondent No.2.

CORAM:- VINAY JOSHI AND

VALMIKI SA MENEZES, JJ.

DATED : 18/08/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Admit.** Heard finally with the consent of learned
counsel appearing for the parties.

2. This is an application seeking to quash FIR as well as
charge sheet relating to Crime No.257/2017 registered with Police
Station, Digras for the offence punishable under Section 498-A
r/w Section 34 of the Indian Penal Code along with related
criminal case bearing Regular Criminal Case No.130/2017 pending

on the file of Judicial Magistrate First Class, Digras, Dist. Yavatmalon account of settlement.

3. The couple got married in the year 2010, however, due to matrimonial dispute, informant – wife is residing separately from last 9 years. The couple has one son, who is staying with the applicant No.1 – father. With the aid and intervention of friends and relatives, the parties have settled the dispute. It was decided to apply for divorce and the husband would pay Rs.3,00,000/- to the wife towards full and final settlement. In accordance with that, the parties have obtained Decree of Divorce on 08/10/2021 in terms of Section 13-B of the Hindu Marriage Act, 1955. The wife has filed affidavit stating about the settlement and her no objection to quash the proceeding. The informant – wife is identified by her Advocate Shri Sandeep Tatke. We have ascertained the settlement from the informant in Court. The informant has stated about the receipt of entire payment. The dispute is of matrimonial nature, which is settled between the parties. In the circumstances, there is no purpose in continuing the prosecution as it would be futile exercise.

4. In view of the above, application is allowed. We hereby quash and set aside the FIR as well as charge sheet relating to Crime No.257/2017 registered with Police Station, Digras for the

offence punishable under Section 498-A r/w Section 34 of the Indian Penal Code along with related criminal case bearing Regular Criminal Case No.130/2017 pending on the file of Judicial Magistrate First Class, Digras, Dist. Yavatmal.

5. The application stands disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]