



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

CRIMINAL APPLICATION NO.1002 OF 2023

1. Mr. Omkar Yadavrao Nemade, aged about 37 years, Occu. Private, R/o at Post, Mahagaon, Tq. Mahagao, Dist. Yavatmal – 445 205
2. Smt. Laxmibai Yadavrao Nemade, aged about 72 years, Occ. Housewife, R/o at Post, Mahagaon, Tq. Mahagao, Dist. Yavatmal – 445 205
3. Smt. Manjusha Pravin Ingle Nemade, aged about 39 years, Occ. Service, R/o Ambedkar Chowk, Judges Quarter, Wardha.
4. Bhagwan Ukandrao Bawne, aged about 58 years, Occ. Service, R/o Jaisingpure Layout, Yavatmal.
5. Smt. Jai Mala Sures Dharpawar, aged about 53 years, Occ. Housewife, R/o At Post Dhanoda, Tq. Mahagaon, Dist. Yavatmal.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Kurha Police Station (Amravati Rural), Tq. & District Amravati.

2. Sau. Pragati Omkar Nemade, aged about 34 years, Occu. Housewife, R/o Anjansingi, Tq. Dhamangao, Kurha, Amravati

... NON-APPLICANTS.

Shri S.P. Bhandarkar, Advocate for the applicants.
Shri Badar, Addl.PP. for the State.
Shri N.S. Khanewale, Advocate for the non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 08.11.2023.

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

Heard. **ADMIT.**

2. 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 charge-sheet pending on the file of the Judicial Magistrate First Class, Chandur Railway, District Amravati, arising out of Crime No.447 of 2022 registered with the Kurha Police Station, Amravati Rural for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, on account of the mutual settlement.

4. The couple got married on 18.04.2019. After the marriage,

the informant started to reside in the company of her husband and his relatives. Feeling matrimonial harassment, she started to reside separately and lodged the report. The couple has no issue from the wedlock.

5. Perceiving the element of settlement, the matter was referred for mediation, which resulted in success. The parties have agreed to sever matrimonial ties by obtaining decree of divorce by mutual consent. It was decided that the husband would pay sum of Rs.6 lakhs towards full and final settlement. The parties have prepared and signed the terms of settlement before the Mediator, which are produced on the record.

6. The informant lady is present before the Court who is identified by her Advocate Shri N.S.Khandewale. The informant has agreed about the settlement. She stated that she already received a sum of Rs.3 lakhs and remaining sum of Rs.3 lakhs would be received at the time of signing of an affidavit for divorce proceedings. She has no objection to quash the FIR. The dispute is matrimonial in nature which cannot be termed as heinous or anti-social. The couple is young who took conscious decision to take divorce for betterment of their life. Continuation of such prosecution would amounts to abuse of process of

the Court.

In above circumstances, we are inclined to invoke our inherent powers to quash the proceedings, hence the following order:

(a) The application is allowed and disposed of.

(b) We hereby quash and set aside charge-sheet pending on the file of the Judicial Magistrate First Class, Chandur Railway, District Amravati, arising out of Crime No.447 of 2022 registered with the Kurha Police Station, Amravati Rural for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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