

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

CRIMINAL APPLICATION (APL) NO. 1022/2023

1. Nitin Rangrao Deokar,
Aged about 38 yrs., Occ. Private,
2. Chhaya Rangrao Deokar,
Aged about 66 yrs., Occ. Housewife,
3. Rangrao Nilkanth Deokar,
Aged about 71 yrs., Occ. Retired,
R/o. Vitthal Nagar No.2, Manewada
Road, Ring Road, Plot No. 196,
Nagpur.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
through P.S.O. Hudkeshwar,
Tah. and Dist. Nagpur.
2. Sau. Bhawana Nitin Deokar,
Age 35 yrs, Occ. Housewife,
R/o. C/o. Sudhakar Kharat, Sai
No.2, Plot No. 14, Omshanti
Housing Soc., Hudkeshwar
Road, Nagpur.

... **NON-APPLICANTS.**

Mr. G.C. Khond, Advocate for applicants.
Mr. V. A. Thakare, APP for respondent No.1.
Mr. A. S. Pande, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.

DATE : 27.07.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. This application seeks to quash the First Information Report ('FIR') vide Crime No. 251/2017 registered with Hudkeshwar Police Station, Dist. Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961 along with related Charge Sheet No. 133/2017.

3. The couple got married on 16.02.2017. After marriage, the couple started to reside together. However due to matrimonial discord, the informant lady has lodged report. The Police have investigated matter and filed charge-sheet. The couple has no issue from the wedlock. With the help and intervention of the friends and relatives, the couple has sorted out differences in the way of permanently severing the matrimonial ties. The parties have decided to convert the pending divorce petition under Section 13-B of the Hindu Marriage Act. The husband has agreed to pay total sum of Rs. 2 lakhs towards full and final settlement. In accordance with the settlement, the husband has deposited the agreed sum in the Family

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Court.

4. The informant-wife is present before us who has been identified by her Advocate Mr. A. S. Pande. She has also filed reply-affidavit, in which she has stated that she has no objection to quash the proceeding. Moreover, informant has filed settlement deed mutually arrived by the parties. We have inquired with the informant on which she has agreed about settlement and her no objection.

5. It reveals that though the marriage was of six year old, however despite efforts, the couple is unable to lead their life together. In view of that, they have taken a decision to separate from each other and to lead their future life as per their choice. The couple has no issue from the wedlock. The dispute is of matrimonial nature and therefore, in view of settlement, we find no difficulty to quash the criminal prosecution.

6. In view of above, application is allowed. We hereby quash and set aside FIR vide Crime No. 251/2017 registered with Hudkeshwar Police Station, Dist. Nagpur for the offence punishable

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under Section 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961 along with related Charge Sheet No. 133/2017.

7. Application stands dispose of in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

Gohane