

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

CRIMINAL APPLICATION (APL) NO. 844 OF 2023

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|---|---|----------------|
| 1. Vinod s/o Chandraprakash Asanani
Aged about 33 years,
Occupation : Service, | } | ... Applicants |
| 2. Vandana w/o Chandraprakash Asanani,
Aged about 65 years,
Occupation – Household | | |
| Both R/o. A-904, Apollo, Hiranandani
Estate, Ghodbunder Road,
Thane (West) – 400 607. | | |

Versus

- | | | |
|---|---|--------------------|
| 1. State of Maharashtra,
Through Police Station Officer,
Police Station Gondia City,
Tah. & District – Gondia. | } | ... Non-applicants |
| 2. Pearl w/o Vinod Asanani,
Aged about 33 years,
Occupation – Nil,
R/o. Ganesh Nagar, Gondia,
Tah. & District Gondia. | | |

Mr. N.R. Tekade, Advocate for applicants.

Mr. V.A. Thakare, APP for non-applicant No.1.

Mr. J.B. Gandhi, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI, AND
 VALMIKI SA MENEZES, JJ.**

DATE : 12.07.2023.

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Criminal Application (APPP) No.1077/2023

This is an application seeking amendment on account

of subsequent event of filing of the charge-sheet.

(2) The application is allowed and disposed of accordingly.

(3) Necessary amendment be carried out forthwith.

(4) Heard.

(5) **Admit.** Heard finally by consent of both the learned counsel for the parties.

(6) This is an application seeking to quash FIR in Crime No.782/2022 registered with the Police Station Gondia City, District – Gondia, for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code along with related charge-sheet bearing Regular Criminal Case No.230/2023 pending on the file of Chief Judicial Magistrate, Gondia, on account of settlement.

(7) The learned APP waived service for non-applicant No.1. The non-applicant No.2-informant (wife) has appeared *suo moto* through Advocate Mr. J.B. Gandhi.

(8) The couple got married on 19.07.2018. They had a son from the wedlock. However, due to temparamental differences

they found it difficult to live together. Feeling matrimonial harassment, wife has lodged the existing report. During pendency with the aid and assistance of friends and relatives, the couple has sorted out the differences by way of mutual settlement. It was decided that they should sever the matrimonial ties and the custody of a child would remain with the wife. In view of settlement, the couple has applied to the Civil Judge Senior Division, Gondia, for divorce by mutual consent. In said divorce petition, they have also filed consent terms. The concerned Court has passed a decree of divorce on 25.04.2023. As a term of settlement, informant (wife) has agreed for not to prosecute the existing criminal case.

(9) The informant lady is present before us who is identified by her Advocate Mr. J.B. Gandhi. She has also filed a reply about the settlement and her no objection to quash FIR. We have inquired with the informant, on which, she understood the contents of reply fully and knowing well about waiver of right of maintenance, she has offered her no objection to quash FIR.

(10) It is a matrimonial dispute which has been resolved amicably by the parties by way of settlement. The offence cannot be

termed as heinous or of anti social nature. In the background of settlement, continuation of prosecution would be abuse of the process of the Court. In view of that, application is allowed. We hereby quash and set aside FIR in Crime No.782/2022 registered with Police Station Gondia City, District – Gondia for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code along with related charge-sheet bearing Regular Criminal Case No.230/2023 pending on the file of Chief Judicial Magistrate, Gondia.

(11) The application stands disposed in above terms.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]