



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

CRIMINAL APPLICATION NO.1047 OF 2023

1. Chanchal s/o Prakash Khobragade, aged about 35 years, Occ. Service, R/o Kolba Swami Residency, Vitthal Nagar 01, Uday Nagar, New Era School, Nagpur.
2. Mangala wd/o Prakash Khobragade, aged : Major, Occ. Housewife, R/o Kolba Swami Residency, Vitthal Nagar 01, Uday Nagar, New Era School, Nagpur.
3. Komal w/o Amit Patel @ Komal Prakash Khobragade, Aged : 33, Occ : Major, R/o Pune, Corres Address : Kolba Swami Residency, Vitthal Nagar 01, Uday Nagar, New Era School, Nagpur

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Police Station, Bhandara, Tahsil and Dist. Bhandara.
2. Divya Chanchal Khobragade, Aged 29, Occ : Housewife, R/o New Friends Colony, Lakshmi Nagar, Khat Road, Bhandara.

... NON-APPLICANTS.

Shri I.A. Fidvi, Advocate for the applicants.
Shri Badar, Addl.PP. for the State
Shri P. Talmale, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 12.12.2023.

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

Heard. **ADMIT.**

2. The matter is taken up for final hearing by consent of the learned Counsel appearing for the parties.

3. This is an application seeking to quash the First Information Report in Crime No.186 of 2023 registered with the Bhandara Police Station, District Bhandara for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, on account of settlement.

4. The couple got married on 17.09.2021. After one year from the marriage, due to temperamental differences, both started to reside separately. The couple has no issue from the marriage. Feeling matrimonial harassment, the informant-wife has lodged the report, on the basis of which the crime has been registered. It is submitted that the Police have not filed the charge-sheet. With the aid and intervention of the friends and family, the matter is amicably settled. Both have

realized that due to temperamental differences, it is impossible to pull on the marriage. In view of that, they have taken conscious decision to sever matrimonial ties and to lead their life as per their choice. The informant-wife is filed an affidavit stating about the settlement. She is present before the Court and identified by her Counsel Shri P. Talmale. She agreed on the terms of settlement before the Court.

5. In pursuance of the settlement, the parties have already filed a petition for divorce by mutual consent in the Family Court, Bhandara. As per the settlement, the husband has already deposit sum of Rs.5 lakhs in the Family Court which the wife is supposed to withdraw after passing of decree of divorce. It is a matrimonial dispute, which cannot be termed as antisocial or heinous in nature. In view of that, continuation of prosecution would be exercised in futility, hence, the application is allowed. We hereby quash and set aside the First Information Report in Crime No.186 of 2023 registered with the Bhandara Police Station, District Bhandara 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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