

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

CRIMINAL APPLICATION NO.1095 OF 2021

1. Amol s/o Nanaji Atulkar, Age – 41 years,
Occ. Pvt.
2. Smt. Kamal w/o Nanaji Atulkar, age – 66
years, Occ. Retired, Both R/o Plot No.
84, Rajabhaksha Hanuman Mandir
Road, Medical Chowk, Nagpur.

... APPLICANTS.

VERSUS

1. State of Maharashtra, through
P.S.O. Tiwasa, Tah. - Tiwasa, Dist.
Amravati.
2. Smt. Vaishali w/o Amol Atulkar,
Gurudeo Nagar, Gurukunj Mozri,
Tah. - Tiwasa, Dist. Amravati.

... NON-APPLICANTS.

Shri M.S. Gupta, Advocate for the applicants.
Shri V.A. Thakare, A.P.P for the non-applicant/State.
Ms. Aastha Sharma, Advocate h/f Shri P.R. Agrawal, Advocate for
non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 21.07.2023.

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

Not on Board. Taken on Board.

2. Heard. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

3. This is an application under Section 482 of the Code of Criminal Procedure seeking to quash the First Information Report vide Crime No.428 of 2021 registered with the Tiwasa Police Station, Amravati Rural for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code, on account of mutual settlement.

4. The couple got married on 09.12.2020. After marriage, the lady started to reside with her husband, however there was matrimonial discord on which she left her matrimonial house in the month of May 2021. Since she was subjected to the harassment, she has lodged the police report.

5. In the meantime, the husband has filed a petition in the Family Court Nagpur for declaration that the marriage is null and void. The wife has applied this Court seeking a transfer of said petition from Nagpur to Amravati. In said petition, this Court has referred the matter

for mediation. In accordance with that, the learned Mediator Shri Deopujari has interacted with the party and the mediation turned to be successful. It was agreed between the party that the husband would pay sum of Rs.12 lakhs towards full and final maintenance and parties would sever matrimonial ties by obtaining a decree of divorce.

6. In pursuance of settlement, the parties got converted the pending petition into the petition under Section 13-B of the Hindu Marriage Act. In said petition decree of divorce was passed on 27.06.2023. The terms of settlement have also been produced before the Family Court as well as in this petition. It is submitted that in accordance with the agreement, the husband has deposited total sum of Rs.12 lakhs in the Family Court, which the wife was to withdraw.

7. Today, the informant-wife is present before the Court. She is identified by her Counsel Ms. Sharma. We have asked the informant about the settlement on which she has agreed the terms as well as gave her no objection to quash the FIR. Moreover, both have filed Joint Pursis stating about the settlement. The couple has no issue from the wedlock. Both found it difficult to pull on the marriage, and thus, they have taken conscious decision about separation. The offence is matrimonial, which has no social impact. In view of settlement, there is

no purpose in continuing the criminal prosecution which would be a futile exercise.

8. In the circumstance, the application is allowed.

9. We hereby quashed and set aside the First Information Report vide Crime No.428 of 2021 registered with the Tiwasa Police Station, Amravati Rural for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code.

10. The application stands disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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