

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

CRIMINAL APPLICATION (APL) NO. 1137/2021

1. Panchfullabai wd/o Vithalrao Jadhav,
Aged 62 yrs., Occ. Secretary, Education Society,
2. Shrinivas S/o Vitthal Jadhav,
Aged 37 yrs., Occ. Business,
3. Mrs. Aayshi w/o Shrinivas Jadhav,
aged 29 yrs., Occ. Principal,
applicants 1 to 3 R/o. Plot No. 16,
Ward No. 53, Bapat Nagar, near Gajanan
Mandir, Chandrapur, Dist. Chandrapur.
4. Suryakant S/o. Devisingh Rathod,
Aged 51 yrs., Occ. Agriculture,
5. Mrs. Kavita w/o Suryakant Rathod,
Aged 45 yrs., Occ. Household,
Applicants Nos. 4 & 5 R/o. Near Naik
Temple, Gadchandur, Tah. Korpana,
Dist. Gadchiroli,
6. Subhash alias Vinod S/o Devisingh Rathod,
Aged 40 yrs., Occ. Teacher,
R/o. Jivati, Tq. Jivati, Dist. Chandrapur.
7. Mr. Kranti S/o. Vithalrao Jadhav,
Aged 32 yrs., Occ. Service,
R/o. Plot No. 16, Bapat Nagar, near
Gajanan Mandir, Chandrapur.
**(Amendment carried out as per
order dated 12.04.2023.)**

... **APPLICANTS.**

VERSUS

1. State of Maharashtra
through Police Station Officer,
Police Station, Arni, Dist. Yavatmal.
2. Mrs. Sneha w/o Kranti Jadhav,
aged 28 yrs., Occ. Household,
R/o. C/o. Vijay Narsingh Rathod,
Bramhanwada, Tah. Arni, Dist. Yavatmal.

... NON-APPLICANTS.

Mr. R. M. Daga, Advocate for applicants.
Mrs. M. Deshpande, APP for non-applicant No.1/State.
Mr. T. Sheikh, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.

DATE : APRIL 12, 2023.

CRIMINAL APPLICATION (APPA) NO. 625/2023

Heard.

2. Since the matter is settled, application is allowed.
3. Amendment be carried out forthwith.
4. Application stands allowed and disposed of.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

1. **Admit.**

2. This application is seeking to quash First Information Report vide Crime No. 464/2021 for the offence punishable under Sections 504, 506, 498-A read with Section 34 of the Indian Penal Code registered with Police Station Arni, Dist. Yavatmal on account of settlement between the parties. Non-applicant No. 2 wife has lodged the report against the husband and nearer relatives of the husband about matrimonial cruelty on account of which crime has been registered.

3. The couple got married on 15.02.2015 and had a son from the marriage. Due to differences, marriage somehow did not work. During passage of time, both realized that there are no chances of reunion and therefore, decided to live separately so as to lead their life as per choice. With the intervention of friends and relatives, the couple has settled the matter and in accordance with settlement, filed Hindu Marriage Petition No. 557/2022 seeking decree of divorce by mutual consent in terms of Section 13(B) of the Hindu Marriage Act. It was decided that the husband would pay total sum of Rs. 18 lakhs for wife and son, towards full and final settlement. On account of settlement, the wife has no objection to

quash the criminal prosecution. In pursuance of settlement, the compromise deed has been produced on record. Today, non-applicant No. 2 wife is present before us, who has been identified by her Advocate Mr. T. Sheikh. On our query, wife agreed about the settlement, receipt of sum as stated in the deed, filing of divorce petition and her no objection to quash the proceeding.

4. The dispute is of domestic nature which has no social impact. Already the matter is worked between the parties, therefore, there is no purpose in continuing criminal prosecution. In view of that, we are inclined to exercise our extraordinary powers. Application is allowed. We hereby quash and set aside FIR vide Crime No. 464/2021 for the offence punishable under Sections 504, 506, 498-A read with Section 34 of the Indian Penal Code registered with Police Station Arni, Dist. Yavatmal.

5. Application stands disposed of in above terms.

(BHARAT P. DESHPANDE, J)

(VINAY JOSHI, J.)

Gohane