



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

CRIMINAL APPLICATION (APL) NO. 1156 OF 2021

- APPLICANTS :**
1. Suhas S/o Ramesh Kolhe,
Aged 38 years, Occ. Private Service,
R/o Flat No.B-501, Green Spirit,
Survey No.37/11, Dnyaneshwar Nagar,
Pune, Tq. & District Pune.
(Husband of N.A.No.2).
 2. Vimal Wd/o Ramesh Kolhe,
Aged 67 years, Occ.: Nil,
R/o House No.24, Ward No.1,
Gurudeo Nagar, Amravati - 444601.
(Mother of Applicant No.1)
 3. Kiran W/o Pramod Talan,
Aged 44 years, Occ. Service,
(Sister-in-law N.A. 2).
 4. Pramod S/o Mahadeorao Talan
Aged 45 years, Occ. Service,

Both applicant no.3 & 4 R/o Vitthal
Wadi, Kathora Naka Road,
Amravati - 444601.
(husband of sister-in-law No.3).
 5. Swati W/o Ashish Lohi
Aged 40 years, Occ.: Service,
R/o D-203, Shri Ganesh Graceland,
Near Hotel Shivar Garden,
Rahatani, Pune-411 017.
(Sister-in-law of NA 2).

V E R S U S

- NON-APPLICANTS:**
1. State of Maharashtra
Through Police Station Officer,
Police Station Wadi,
Nagpur, Tq. & Dist. Nagpur.

2. Sneha W/o Suhas Kolhe
Aged 31 years,
R/o C/o Vasantrao Gorde,
Plot No.3, Mangaldham Society,
Dattawadi, Nagpur,
Tq. & Dist. Nagpur.
(Wife of Applicant No.1).

Ms. Aastha Sharma, Advocate for applicants.

Shri M. J. Khan, Additional Public Prosecutor for Non-applicant No.1.

Shri Niranjana Jadhao, Advocate for Non-applicant No.2.

CORAM:- VINAY JOSHI AND

M. W. CHANDWANI, JJ.

DATED : 04/12/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. Heard finally with the consent of learned counsel appearing for the parties. **Admit.**

2. This is an application seeking to quash FIR in Crime No.0406/2021 for the offences punishable under Sections 498-A and 506 r/w Section 34 of the Indian Penal Code on account of settlement. The couple got married on 04/03/2014 and had a female child born on 16/02/2016. Due to matrimonial dispute, the couple started to reside separately from 13/03/2021. Feeling matrimonial harassment, wife had lodged FIR on 24/09/2021. The investigation was carried out, however, due to intervention of this Court, charge sheet has not been filed.

3. In the meantime, the matter was referred for mediation, which resulted into settlement. The terms of the settlement were fixed before the learned Mediator. It was agreed that the couple should jointly file petition for divorce. The husband would pay sum of Rs.11,00,000/- towards full and final settlement. It was decided that the custody of female child shall be with the applicant No.1 – husband. In view of the settlement, the parties have applied to the Family Court and obtained a decree of divorce on 23/11/2023. The agreed sum has been deposited in the Family Court, which the husband agrees that wife shall withdraw, after disposal of this application. Today, the informant – wife is present before us, who has been identified by Advocate Shri Niranjan Jadhao. The informant agreed about the settlement and has no objection to quash the proceedings.

4. It is matrimonial dispute which has been amicably settled. In the circumstances, continuation of prosecution amounts to abuse of process of the Court. In view of the above, application is allowed. We hereby quash and set aside the FIR in Crime No.0406/2021 for the offences punishable under Sections 498 and 506 r/w Section 34 of the Indian Penal Code.

5. The application stands disposed of accordingly.

6. Applications pending, if any, are disposed of accordingly.

[M. W. CHANDWANI, J.]

[VINAY JOSHI, J.]

Choulwar