



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

CRIMINAL APPLICATION (APL) NO. 1268 OF 2022

1. Shri Kishor s/o Mahadev Raut
Aged about 59, Occ.: Service,
R/o. Galli No.9, Kaushalya Nagar,
Near Thaware School, Nagpur.
2. Smt. Manda w/o Kishor Raut
Aged about 55 years, Occ.: Housewife,
R/o. Galli No.9, Kaushalya Nagar,
Nagpur.
3. Smt. Kalyani w/o Vishal Patil
Aged 29 years, Occ.: Constable (CRPF),
R/o. Plot No.60, Shyam Nagar,
Near Pipla Road, Hudkeshwar,
Currently posted at Lucknow.



... Applicants

Versus

1. State of Maharashtra,
Through Police Station Yavatmal Gramin,
District – Yavatmal.
2. Smt. Poonam w/o Kunal Raut
Aged 23 years, Occ. Housewife,
R/o. Mendhla, Yavatmal.



... Non-applicants

Ms. Shubhangi Kale, Advocate for applicants.
Mr. N.R. Rode, APP for non-applicant No.1.
Smt. Poonam K. Raut (in person).

CORAM : VINAY JOSHI, AND
VALMIKI SA MENEZES, JJ.
DATE : 25.08.2023.

ORAL JUDGMENT: (PER: Vinay Joshi,J)

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

(2) This is an application seeking to quash FIR in Crime No.315/2022 registered with Police Station Yavatmal Gramin, District – Yavatmal, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code along with related criminal case bearing Regular Criminal Case No.955/2022, pending on the file of Judicial Magistrate First Class, Yavatmal, on account of mutual settlement.

(3) The informant lady got married with son of applicant No.1 namely, Kunal, on 03.10.2021. As usual after marriage she resumed to cohabit with her husband and other family members. After few days, feeling matrimonial harassment, she has lodged the report with the police on the basis of which crime has been registered.

(4) The police investigated the matter and filed charge-sheet. In the meantime, with the aid and intervention of relatives, the matter was amicably settled in between the couple. As a part of settlement, it was decided that they should sever matrimonial ties

and the husband should pay Rs.2,00,000/- (Rs. Two Lakhs) to the wife towards full and final settlement. In accordance with the agreed terms, both have jointly applied to the Family Court, Yavatmal, for grant of decree of divorce which was granted vide judgment and order dated 08.05.2023. As per agreed terms, the husband has paid sum of Rs.2,00,000/- (Rs. Two Lakhs) to the wife.

(5) Today, the informant – wife is present before us who has been identified by the applicants' learned Counsel. The informant lady has accepted about the settlement, decree of divorce and gave her no objection to quash the entire criminal prosecution. The alleged offence is a matrimonial dispute which cannot be termed as of heinous or anti social nature. The parties have amicably settled the dispute. The informant wife do not wish to prosecute against existing applicants as well as her husband too. In the circumstances, continuation of prosecution amounts to abuse of the process of Court.

(6) In view of that, we deem it fit to exercise our inherent powers to quash entire criminal prosecution including the husband who is not before us. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) We hereby quash and set aside criminal prosecution arising out of FIR in Crime No.315/2022 registered with Police Station Yavatmal Gramin, District – Yavatmal, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code along with related criminal case bearing Regular Criminal Case No.955/2022, pending on the file of Judicial Magistrate First Class, Yavatmal, against all accused.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

Prity