

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

CRIMINAL APPLICATION (APL) NO. 1219 OF 2022

APPLICANTS :

1. Shri Gaurav Bhupendra Arya,
Aged about 37 years,
Occ: Service, R/o Flat No.708,
B wing Rachna Sayatra, Phase-II,
Hazaripahad, Nagpur – 440001.
2. Bhupendra S/o Mohan Arya,
Aged about 61 years,
Occ : Retired Engineer, R/o. Dababari
Extension, Kota, Rajasthan.
3. Mrs. Urmila W/o Bhupendra Arya,
Aged about 60 years, Occ: Housewife,
R/o Dadabari Extension, Kota,
Rajasthan.

VERSUS

NON-APPLICANTS :

1. State of Maharashtra
Through the Police Station Officer,
Police Station, Rajapeth, Amravati
City, Tq. and District Amravati.
2. Mrs. Neha Gaurav Arya,
Aged about 34 years, Occ: Teacher,
R/o C/o Manoj Verma, Plot No.12-B,
Ganesh Colony, Amravati, Taluka and
District Amravati.

Dr. R. S. Sirpurkar, Advocate for applicants.

Shri S. S. Doifode, APP for Non-applicant No.1.

Shri O. A. Ghare, Advocate for Non-applicant No.2.

CORAM:- VINAY JOSHI AND

VALMIKI SA MENEZES, JJ.

DATED : 23/01/2023.

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

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

2. Since this is a matrimonial dispute, by way of indulgence, this Court referred the matter for mediation. The parties have appeared before the learned Mediator, whose efforts yielded resulting into full and final settlement. The learned Mediator has formed terms of settlement, which were mutually agreed in between the parties. The report of learned Mediator bears the terms as well as signatures of both the parties, which is placed on record.

3. The non-applicant No.2 (wife) lodged a report bearing Crime No.0634/2019 with Rajapeth Police Station, Dist. Amravati against husband and his relatives for the offence punishable under Section 498-A r/w Section 34 of the Indian Penal Code. After completion of investigation, charge sheet has been filed and criminal case bearing RCC No.1083/2020 is pending on the file of Judicial Magistrate First Class, Amravati.

4. As noted above, the couple has finally settled the dispute with a view to lead peaceful life in future, as per their choice. Both the parties have agreed before the learned Mediator

that they would withdraw all the proceedings, which are pending against each other. Already, husband has filed a petition for restitution of conjugal rights whilst wife has filed petition seeking decree of divorce. As per the settlement terms, they are approaching to the Family Court for conversion of those petitions for seeking divorce by way of mutual consent.

5. Today, the parties are present before us. Particularly, non-applicant No.2 – wife is present who has been identified by her counsel. She has agreed the terms of settlement which of course, she had agreed before the learned Mediator. Particularly, she submitted that as per the terms, she has received a Demand Draft of Rs.27,50,000/- (Rs.Twenty Seven Lakhs Fifty Thousand only) and ornaments as per List No.1. She has specifically stated that she does not wish to prosecute the criminal case and has no objection for its disposal.

6. Since the parties have settled their dispute finally, there is no purpose requiring them to face the trial. It is apparent that the chances of conviction are remote and bleak. In order to maintain harmony, we deem it appropriate to invoke our inherent jurisdiction.

7. In view of the above, we pass the following order :-

I] The application is allowed.

II] FIR in Crime No.0634/2019 registered with Police Station, Rajapeth, Dist. Amravati for the offence punishable under Section 498-A r/w Section 34 of the Indian Penal Code along with pending criminal case bearing RCC No.1083/2020 is hereby quashed and set aside.

III] Application stands disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

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