

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

CRIMINAL APPLICATION [APL] Nos. 1237 & 1591 OF 2022.

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CRIMINAL APPLICATION [APL] NO.1237/2022.

1.Haribhau Ukandrao Thakare,
Aged about 64 years, Occupation
Nil.

2.Sumitra Haribhau Thakare,
Aged 55years, Occupation Household

Both residents of Palash Line,
Gadge Nagar, Amravti, Taluq and
District Amravti.

3.Jayshri Major Raut,
Age 36 years, Occupation Household,
resident of Mahavir Nagar, Amravati,
Taluq and District Amravati.

4.Kiran Vidyanand Bonde,
Age 33 years, Occupation Household,
resident of Sagwan Area, Buldhana,
Taluq and District Buldhana.

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APPLICANTS.

VERSUS

1.The State of Maharashtra,
through Police Station Officer,

Rgd.

Police Station Awdhootwadi,
District Yavatmal.

2. Pratiksha Devendra Thakare,
Age 30 years, Occupation Household,
resident of Ujwal Nagar, Yavatmal,
District Yavatmal.

... NON-APPLICANTS.

Mr. S.B. Gandhe, Advocate for Applicants.
Mr. A.M. Kadukar, A.P.P. for Non-applicant No. 1.
Mr. A.K. Tripathi, Advocate for Non-applicant No.2.

WITH

CRIMINAL APPLICATION [APL] NO.1591/2022.

1. Devendra s/o Haribhau Thakare,
Aged about 34 years, Occupation
Nil, resident of Gadge Nagar, Amravati,
Taluq and District Amravati.

... APPLICANT.

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
Police Station Awdhootwadi,
District Yavatmal.

2. Pratiksha Devendra Thakare,
Aged about 30 years, Occupation Household,
resident of Ujwal Nagar, Wadgawn,
Yavatmal, District Yavatmal.

... NON-APPLICANTS.

Rgd.

Mr. S.B. Gandhe, Advocate for the Applicant.
Mr. A.M. Kadukar, A.P.P. for Non-applicant No. 1.
Mr. A.K. Tripathi, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.
DATE : MARCH 14, 2023.

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

Criminal Applications (APPP) Nos.2045/2022 and 2046/2022 are filed seeking leave to amend the application, as during the pendency of the proceedings, charge sheet has been filed. Criminal Application Nos.2045 and 2046 of 2022 are allowed and applicants are permitted to amend their Original Criminal Application. Necessary amendment be carried out forthwith.

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Heard finally by consent of the learned Counsel appearing for respective parties. Since in both the matters the issue raised is

Rgd.

same, the same are disposed of by this common judgment.

Admit.

2. Challenge in these applications is to the registration of Crime No.697/2022 by Awdhootwadi Police Station, Yavatmal for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code. Applicants in Criminal Application No.1237/2022 are near relatives of husband, whilst the applicant in Criminal Application No.1591/2022 is husband of the informant.

3. Quashing of the first information report and the related charge sheet is claimed on account of settlement arrived in between the parties. In pursuance of the settlement, the parties have worked out the terms and decided to apply for divorce by mutual consent. It was also decided that the husband shall pay an amount of Rs.15 lakhs towards full and final settlement to the wife.

4. The informant – wife appeared before us and conceded the settlement and conveyed her no objection to quash the first information report and related criminal case.

Rgd.

5. The matrimonial dispute has been settled. In pursuance of the said settlement a petition for divorce has already been filed. The amount agreed by the husband has been deposited in the Family Court on 02.03.2023. In view of these facts, continuation of criminal prosecution would be an exercise in futility. The alleged offence cannot be categorized as antisocial or heinous. In the circumstances, we allow both the applications.

6. First information report bearing Crime No.697/2022 registered with by Awdhootwadi Police Station, Yavatmal for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and related criminal case bearing R.C.C.No.823/2022 pending on the file of the Judicial Magistrate First Class, Yavatmal is hereby quashed and set aside.

7. Pending misc. applications if any, also stands disposed of.

JUDGE

JUDGE