



Judgment

28 apl 1303.22

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

CRIMINAL APPLICATION (APL) NO. 1303/2022

1. Pritam s/o. Babarao Bele,
Aged about 33 yrs.,
Occ. Service,

Presently, residing at Cotton Tower,
near Tamsi Bus Stand, near Railway
Gate, Adilabad,
2. Ashabai w/o Babarao Bele,
aged about 60 yrs., Occ. Housewife,
3. Kisnaji s/o Babarao Bele,
Aged about 35 yrs.,
Occ.----
4. Anchal d/o. Babarao Bele,
aged about 31 yrs., Occ. Nil,

All R/o. Near Buddha Vihar,
Bhim Nagar, Pulgaon, Dist. Wardha.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
Police Station, Ajni, Nagpur.
2. Sau. Karishma w/o. Pritam Bele,
Age 29 yrs., Occ. Job,
R/o. c/o. Gunwant Kumbhare,
Plot No. 52, Nalanda Nagar,
P/o. Bhagwan Nagar,
Nagpur – 440027.

...NON-APPLICANTS

Mr. D.U. Thakare, Advocate for applicants.
Mr. S.M. Ghodeswar, APP for non-applicant No.1/State.
Mr. M.V. Raut, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.**

DATE : 09.10.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. This is an application seeking to quash First Information Report along with charge-sheet arising out of Crime No. 541/2022 registered with Police Station Ajni, Nagpur, Dist. Nagpur for the offence punishable under Sections 498-A, 323, 504 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act on account of mutual consent.

3. At the instance of report lodged by informant lady on 01.08.2022, crime has been registered. The couple got married on 02.04.2021 and after few months, there was matrimonial discord. The couple has no issue from wedlock. Feeling matrimonial harassment, the wife has filed report. The Police have completed

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investigation and filed charge-sheet. During the pendency of proceeding, with the aid of relatives and friends, the parties have mutually settled the dispute. Both realized that they cannot leave together, therefore, took conscious decision to sever matrimonial ties by obtaining divorce by mutual consent. The husband has agreed to pay Rs. 5,50,000/- to the wife towards full and final settlement. As a term of compromise, the parties have approached to the Family Court, Nagpur who has passed a decree of divorce on 06.10.2023. The husband has also deposited sum of Rs. 5,50,000/- in the Family Court which the wife was to withdraw after disposal of existing crime.

4. Wife is present before us who has been identified by her counsel Mr. Raut, learned counsel for non-applicant No.2. She has filed reply-affidavit stating about settlement and her non-inclination to go with the prosecution. On our query, she has accepted the settlement and no objection to quash the proceeding. The alleged offence is of matrimonial nature which has no colour of anti-social or heinous one. In this situation, there is no purpose in continuing the prosecution.

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5. In view of above, we hereby quash and set aside FIR along with charge-sheet arising out of Crime No. 541/2022 registered with Police Station Ajni, Nagpur, Dist. Nagpur for the offence punishable under Sections 498-A, 323, 504 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act on account of mutual consent and also RCC No. 4998/2022 pending on the file of ACJM, Nagpur.

6. Non-applicant No.2 wife is at liberty to withdraw the sum of Rs. 5,50,000/- which is deposited with the Family Court, Nagpur.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)