



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

CRIMINAL APPLICATION NO.1383 OF 2022

1. Shailesh Balasaheb Wakode, aged about 33, Occ. Education.
2. Balasaheb Omkar Wakode, Aged about 59, Occu : Business.
3. Smt. Sunanda w/o Balasaheb Wakode, aged about 58 years, Occu : Retired.
4. Yogesh s/o Balasaheb Wakode, aged about 30 years, Occu : Education.
5. Duryodhan Sampat Deshbhratar, aged about 56 years, Occu. Teacher.

All R/o Laddha Plot Badnera, Tq. And Dist. Amravati.

... APPLICANTS

VERSUS

1. The State of Maharashtra, through Police Station Officer, Khadan Akola, Tq. And Distt. Akola.
2. Smt. Swapnil Shailesh Wakode, aged about 34, Occu : Business, R/o Nimwadi Police Line, Police Colony Building No.7, Akola.

... NON-APPLICANTS.

Shri D.L. Dharmadhikari, Advocate for the applicants.
Shri Ghurde, Addl.PP for the State
Mrs. Ratna Singh, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 20.12.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of the learned Counsel appearing for the parties.

3. The applicants are seeking to quash the First Information Report bearing Crime No.649 of 2022 registered with the Khadan Police Station, Akola for the offence punishable under Sections 498-A, 506, 354, 354-A read with Section 34 of the Indian Penal Code, on account of mutual settlement.

4. The couple got married on 19.11.2021. After few days from the marriage, there was matrimonial harassment hence the informant has lodged the report. The investigation is going on however charge-sheet has not been filed. During the pendency of the application, we

have noticed an element of settlement, hence the matter was referred for mediation. The learned Mediator conducted several meetings with the parties. Finally the mediation turns to be successful. The terms of settlement have been prepared and incorporated into the consent terms, which are filed on record. The parties have agreed to apply for divorce by mutual consent. The husband agreed to pay sum of Rs.2 lakhs towards full and final settlement and to return all household articles as per list annexed with the consent terms.

5. Today, the informant lady is present before us, who is identified by her Counsel Mrs. Ratna Singh. The informant has agreed about the terms of settlement arrived before the Mediator and also filed their affidavit-cum-reply stating about the settlement and her no objection to quash the proceedings.

6. It is a matrimonial dispute. Both have realized that due to temperamental differences it is not possible to live together and they have decided to sever matrimonial ties. The couple has no issue from the marriage. Already the petition for divorce by mutual consent has been filed. The husband has deposited sum of Rs.2 lakhs in the Family Court. The petition for divorce bears a recital that all articles have been returned. Both have undertaken to appear before the Family Court for

obtaining decree of divorce.

7. In view of the above, we deem it appropriate to exercise our inherent powers. In view of that, the application is allowed. We hereby quash and set aside the First Information Report bearing Crime No.649 of 2022 registered with the Khadan Police Station, Akola for the offence punishable under Sections 498-A, 506, 354, 354-A read with Section 34 of the Indian Penal Code.

8. The application stands disposed of accordingly.

9. Fees of the appointed Counsel be paid as per Rules.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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