

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

CRIMINAL APPLICATION (APL) NO. 686 OF 2018

Manish s/o Rajkumar Bhagwani and Ors.

Vs.

State of Maharashtra, Thru. PSO PS Washim, District – Washim and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Aparna M. Telange, Advocate h/f Mr. A.P. Tathod,
Advocate for applicants.

Mr. A.M. Kadukar, APP for respondent No.1.

Mr. J.B. Gandhi, Advocate for respondent No.2.

**CORAM : VINAY JOSHI, AND
BHARAT P. DESHPANDE, JJ.**

DATE : 20.03.2023.

Heard.

2. Admit.

3. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash FIR in Crime No.71/2018, registered with Washim Police Station, District – Washim, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code along with related charge-sheet No.210/2022, pending on the file of Judicial Magistrate First Class,

Washim. During pendency of this application, the parties have amicably settled the dispute out of Court and today filed a joint affidavit. It is a matrimonial dispute wherein a decree of divorce has already been obtained to which both agreed. Moreover, it is decided that the child shall remain in the custody of wife and the husband would pay some Rs.6,00,000/- towards full and final settlement. It was agreed that after quashing of the existing proceeding, the amount which is kept with mediator would be disbursed to the wife.

4. It is a matrimonial dispute which has been settled in between the parties, as they found that the marriage is not workable. The offence cannot be turned as serious anti social or heinous one. As the matter is settled, there is no purpose in continuing the criminal prosecution.

5. The husband has undertaken to withdraw one another divorce proceeding, which he has filed at Bhopal. It is informed that the divorce proceeding is filed at Bhopal, in which Family Court has earlier issued Non-bailable warrant against wife and insisting for presence. We hope that in view of settlement, the Family Court, Bhopal, would not

insist for the presence of wife, as the husband is simply withdrawing the proceeding.

6. In view of above, the application is allowed. We hereby quash and set aside the FIR in Crime No.71/2018, registered with Washim Police Station, District – Washim, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and charge-sheet No.210/2022, pending on the file of Judicial Magistrate First Class, Washim.

7. The proceeding be kept on **31.03.2023**.

JUDGE

JUDGE