

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

CRIMINAL APPLICATION NO. 1605 OF 2022

1. Shri Chetan s/o Ramchandra Gedam,
aged about 33 yrs, Occ. Service.
2. Shri Ramchandra s/o Fattuji Gedam,
aged about 67 yrs, occ. Retired Engineer.
3. Smt. Jyotsna w/o Ramchandra Gedam,
aged about 63 yrs, Occ. Retired Head
Mistress.

All R/o 105, Kukde, Lay out, Distt.
Nagpur – 440027

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police
Station Officer, Police Station
Hinganghat, Distt. Wardha
2. Dr. Smt. Karuna w/o Chetan Gedam,
(Ku. Karuna d/o Prakash Bambode)
aged about 31 years, Occ.
Veterinary Doctor, r/o Ram Nagar
Ward, Hinganghat, Distt. Wardha.

... NON-APPLICANTS

Shri D.C. Chahande, Advocate for the applicants.
Shri Khan, A.P.P. for the non-applicant/State.
Shri N.V. Fulzele, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 28/02/2023.

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

Heard. **ADMIT.**

2. The Matter is taken up for final hearing by consent of learned Counsel appearing for the respective parties.

3. This is an application seeking to quash First Information Report in Crime No.651 of 2022 registered with the Hinganghat Police Station District Wardha for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code.

4. The marriage took place on 21.02.2021, however it did not work due to differences and matrimonial harassment. Respondent wife has filed police report for the offence punishable under Section 498-A of the Indian Penal Code. The Police have investigated the matter and filed the charge-sheet in the Court of concerned Magistrate. The applicant seeks to quash the charge-sheet on account of settlement.

5. With intervention of friends and relatives, the parties arrived at settlement. They have jointly applied to the Civil Judge, Senior Division, Hinganghat District Wardha for obtaining the decree of

divorce by mutual consent. The terms of settlement have been incorporated in the petition of divorce. The couple has no issue from their marriage. They decided to separate and lead life as per their choice. The dispute is of domestic nature having no social impact. The informant who is present in the Court has been identified by her Counsel and admitted the settlement and gave her no objection to quash the First Information Report. In the circumstances, there is no purpose in continuing the Criminal prosecution as it would be exercise in futility.

6. In view of the above, the application is allowed. We are hereby quash and set aside the First Information Report in Crime No.651 of 2022 and related Criminal Case bearing R.C.C. No.335 of 2022 pending on the file of Judicial Magistrate First Class, Hinganghat, District Wardha.

7. The application stands disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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