



Judgment

apl1618.22

1

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

CRIMINAL APPLICATION [APL] NO. 1618 OF 2022.

1.Vijay Kisan Jadhav,
Aged about 25 years, Occupation –
Driver,

2.Kishan Partuji Jadhav,
Aged about 60 years,
Occupation – Service,

3.Sau. Muktabai Kishan Jadhav,
Aged about 55 years,
Occupation – Household,

All Nos.1 to 3 residents of
Gokulnagar, Gadchiroli, Tahsil
District Gadchiroli (Police Station
Gadchiroli, District Gadchiroli)

4.Vishvbharati Kishan Jadhav,
Aged about 27 years,
Occupation – Education, resident
of Devapur Rits, Bypass Road,
Semana, Gadchiroli, Tahsil
District Gadchiroli.

5.Chhaya Ravindra Rathod,
Aged 30 years, Occupation – Service
resident of Devapur Rits, Bypass Road,
Semana, Gadchiroli, Tahsil
District Gadchiroli.

Rgd.

6.Ajay Kishan Jadhav,
Aged about 24 years, Occupation Education,
resident of Gokulnagar, Gadchiroli,
Tahsil District Gadchiroli (Police Station
Gadchiroli, District Gadchiroli) ... **APPLICANTS.**

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Jiwati, Tahsil Jiwati,
District Chandrapur.

2.Sau. Asmita Vijay Jadhav,
Aged 32 years, Occupation -
Household, c/o. Shamrao Rathod,
at Sevadasnagar, Tahsil Jiwati,
District Gadchiroli. ... **NON-APPLICANTS.**

Mr. V.S. Lokhande, Advocate for Applicants.
Mr. M. Badar, A.P.P. for Non-applicant no.1 - State.
Mr. P. Tirkatpalliwar, Advocate for Non-applicant No.2.
(through VC, District Court)

**CORAM : VINAY JOSHI AND
M.W. CHANDWANI, JJ.**

DATE : NOVEMBER 07, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Shri N.R. Bhishikar, Advocate appearing on behalf of non-

applicant no.2 is discharged, as other Advocate Shri P. Tirkapalliwar, is representing the informant.

2. Heard.

Admit. By consent of the learned Counsel appearing for the respective parties, the matter is taken up for final disposal.

3. This is an application seeking to quash the criminal proceeding bearing Regular Criminal Case No.205/2021 pending on the file of Judicial Magistrate First Class, Rajura arising out of Crime No.66/2021 registered with Jiwati Police Station for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, on account of settlement.

4. It is informed that yet charges are not framed in the criminal proceedings by the trial Court. The couple got married on 14.02.2021. They have no issues from the wedlock. Feeling matrimonial harassment, the informant has lodged report. Police have completed the investigation and filed charge sheet. During the

Rgd.

meantime the parties have settled the dispute since both have realized that their marriage is not workable, and therefore, chosen to obtain divorce by mutual consent. The applicants have agreed to pay a total sum of Rs.5,10,000/- toward full and final settlement. It was decided that both should obtain a decree of divorce by mutual consent from the Competent Court. The informant lady has filed affidavit-cum-reply stating about the settlement.

4. On last date she has appeared and accepted the settlement, however, as entire money was not paid, therefore the matter was kept today. Today the informant is connected through V.C. from Chandrapur District Court. She is accompanied with her brother as well as her Counsel Shri Tirkapalliwar. The informant once again admits that she has received an amount of Rs.2,60,000/-, and the remaining amount of Rs.2,50,000/- has been deposited by the husband in the Court of Civil Judge, Senior Division, Gadchiroli, where the matrimonial proceedings are pending. It was agreed that after passing of the decree of divorce, the said amount shall be withdrawn by the informant lady.

5. Today the informant has agreed that she has received all the ornaments. She has returned one marital cord to the relative of the husband. There was no dispute about the returning of household articles. Both of them agreed today that husband would pay an additional sum of Rs.10,000/- towards miscellaneous articles. It is agreed that the husband would deposit said amount of Rs.10,000/- in the matrimonial proceeding, which the informant may withdraw along with the remaining amount, after decree of divorce is passed. The husband undertakes before us to deposit said amount of Rs.10,000/- in the concerned Court on or before 10.11.2023.

6. The couple is young. Both are desirous to lead further life as per their choice. The offence is matrimonial one, which cannot be termed as antisocial or heinous. Since the matter is settled, for the betterment of the couple, we are inclined to exercise our inherent powers. Criminal Application is therefore, allowed and disposed of. We hereby quash Criminal proceedings bearing Regular Criminal Case No.205/2021 pending on the file of Judicial Magistrate First Class, Rajura arising out of Crime No.66/2021 registered with Jiwati Police Station for the offence punishable under Sections 498-A, 323

read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Applicants to deposit an amount of Rs.10,000/- before the concerned Court on or before 10.11.2023.

JUDGE

JUDGE