



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

CRIMINAL APPLICATION NO.1607 OF 2022

1. Avinash s/o Ramesh Ahuja, age 30,
Occ : Self employed, R/o Ambika Nagar,
Ghatpuri Naka, Khamgaon, Dist.
Buldhana.
2. Sunita w/o Ramesh Ahuja, Age 53, Occ :
Housewife.
3. Nikhil s/o Ramesh Ahuja, Age 27, Occ :
Self employed.
4. Ramesh s/o Narayandas Ahuja, Age 56,
Occ : Retired.

Applicants 2 to 4 R/o Kela Nagar, Near Kela
Nagar Post Office, Khamgaon, District
Buldhana.

... APPLICANTS.

VERSUS

1. The State of Maharashtra, through
the Police Inspector, Police Station,
Gadge Nagar, Amravati, District
Amravati.
2. Khushi w/o Avinash Ahuja (alias
Shriya), Age 26, Occ : Household,
R/o Rampuri Camp, Gadge Nagar,
Amravati, District Amravati.

... NON-APPLICANTS.

WITH

CRIMINAL APPLICATION NO.1608 OF 2022

1. Dinesh s/o Ramesh Ahuja, age 32 years
Occ : Post Graduate Student, R/o B-29,
first floor, Urja CHS, Section 10A, Vashi,
District Thane.

... APPLICANT

VERSUS

1. The State of Maharashtra, through
the Police Inspector, Police Station,
Gadge Nagar, Amravati, District
Amravati.
2. Khushi w/o Avinash Ahuja (alias
Shriya), Age 26, Occ : Household,
R/o Rampuri Camp, Amravati,
Gadge Nagar, Amravati,
District Amravati.

... NON-APPLICANTS.

Shri A.V. Pande, Advocate for the applicants.
Shri Thakare, A.PP for the non-applicant/State.
Mrs. Archana Murrey, Advocate for non-applicant no.2 (appointed).

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 11.08.2023.

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

Heard. **ADMIT.**

2. Both matters are taken up for final disposal by consent of learned Counsel appearing for the parties.

3. Both applications are for quashing of the First Information Report and charge-sheet relating to Crime No.1321 of 2022 registered with the Gadge Nagar Police Station, Amravati City for the offence punishable under Section 498-A of the Indian Penal Code on account of mutual settlement.

4. The applicants are the husband and nearer relatives of the husband of the informant lady. The couple got married on 10.12.2020. After marriage the informant resumed to cohabit with the applicant Avinash Ahuja. Feeling matrimonial harassment, the informant wife lodged the report against the applicants. During pendency of these applications, with the aid and intervention of elderly persons of the family, the parties arrived at mutual settlement. It was decided that both would sever the matrimonial ties by obtaining decree of divorce. The husband agrees to pay total sum of Rs.25 lakhs to the wife towards full and final settlement. A step forward to the settlement, both have

applied to the competent Civil Court for divorce in terms of Section 13-B of the Hindu Marriage Act. The terms of settlement have been incorporated in the divorce petition.

5. Today, the informant wife is present before the Court, who is identified by her learned Counsel Mrs. Archana Murrey. On our query, the informant accepted the settlement, filing of divorce petition and her no objection for quashing of the FIR. The informant wife has admitted that in pursuance of settlement, partial amount of Rs.12,50,000/- has already been deposited by the husband in the Civil Court. The informant wife has also filed the affidavit stating about the settlement. We have inquired with the husband about remaining amount on which it was informed that the same would be paid after the decree of divorce. We have expressed that the remaining amount shall be paid prior to the decree of divorce.

6. The applicant/husband Avinash Ahuja is present before us. He submitted that he will deposite the balance amount of Rs.12,50,000/- in the concerned Civil Court prior to the passing a decree of divorce by mutual consent. We take this submission as an undertaking given to this Court. The wife is obviously entitle for withdraw the entire amount after decree of divorce.

7. The dispute is of domestic nature having no social impact. The Couple is young and found it difficult to live together. Both have consciously decided to separate from each other for the betterment of their lives. In view of that, we find no difficulty in quashing the FIR and related charge-sheet. We hereby inclined to exercise our inherent jurisdiction, hence the following order :

- (a) The applications are allowed.
- (b) We hereby quash and set aside the First Information Report and charge-sheet relating to Crime No.1321 of 2022 registered with the Gadge Nagar Police Station, Amravati City for the offence punishable under Section 498-A of the Indian Penal Code.

8. Both applications are disposed of accordingly.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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