



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

**CRIMINAL APPLICATION (APL) NO. 1466 OF 2023**

- 1) Shriram S/o Ramesh Kapse,  
Aged about 40 years, Occ. Service,  
(Husband of original complainant)
- 2) Smt. Ranjana Wd/o Ramesh Kapse  
Aged about 65 years, Occ. Household,  
(Mother-in-law of original complainant)
- 3) Shri Wasudev S/o Ramesh Kapse,  
Aged about 43 years, Occ. Lawyer,  
(Brother-in-law of original complainant)
- 4) Shri Yogesh S/o Ramesh Kapse,  
Aged about 41 years, Occ. Service,  
(Brother-in-law of original complainant)
- 5) Sau. Yogini W/o Wasudev Kapse,  
Aged about 35 years, Occ. Household,  
(Sister-in-law of original complainant)
- 6) Sau. Vidya W/o Yogesh Kapse,  
Aged about 35 years, Occ. Household,  
(Sister-in-law of original complainant)

No.1 to 6 R/o. Kharbi Road, Near  
Siddheshwar Wadi, Near Siddheshwar  
Temple, Behind Nav Maharashtra School,  
Nagpur.

.... **APPLICANTS**

**// VERSUS //**

- 1) Sau. Tejshri W/o Shriram Kapse,  
Aged about 29 years, Occ. Housewife,  
(Wife of applicant No.1)  
R/o. C/o. House of Shri Fursunge,  
Dhanodi Road, Malkapur,  
Tahsil Warud, Dist. Amravati.
- 2) The State of Maharashtra,  
Through P.S.O., Police Station,  
Sendurjanaghat, Tahsil Warud,  
Dist. Amravati.

.... **NON-APPLICANTS**

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Mr. Manoj Sable, Advocate for applicants.  
Ms. Neha Agrawal, Advocate for non-applicant No.1.  
Mr. A.B. Badar, Additional Public Prosecutor for non-applicant No.2/State.

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

**DATED : 23.10.2023**

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

1. Heard. **Admit.** Non-applicant No.1 (wife) has appeared *suo motu* by waiving notice.
2. By consent of the learned counsel appearing for the parties, the matter is taken up for final disposal.
3. This is an application seeking to quash the First Information Report (FIR) relating to Crime No.249/2023, registered with Police Station Shendurjanaghat, District Amravati (Gramin) for an offence punishable under Sections 498A, 504, 506 read with Section 34 of the Indian Penal Code, on account of settlement.
4. The applicant No.1 and non-applicant No.1 got married on 13.05.2018. The couple has no issues from the marriage. Due to matrimonial differences, the informant started residing separately and filed complaint against the applicants. In the meantime, with the aid and intervention of relatives, the matter is

amicably settled. Both found that it is difficult to pull on the marriage therefore, decided to sever matrimonial ties in accordance with the settlement. Both have jointly filed a petition for divorce in terms of Section 13(B) of the Hindu Marriage Act. The terms of settlement have been incorporated in the divorce petition. The copy of said petition is produced on record. It is informed that the Family Court has waived the statutory period and the matter is pending for passing order.

5. As per settlement, the wife has agreed to discontinue the criminal proceeding and permanent alimony is fixed to the tune of Rs.1,25,000/-. Today, the informant – wife accompanied by her father is present before us and identified by her counsel Ms. Neha Agrawal. She has filed short reply affidavit stating about the settlement and her no objection to quash the criminal proceeding. The informant lady, on our query, accepted the settlement, receipt of sum of Rs.1,25,000/- and her no objection to quash the proceeding.

6. It is a matrimonial dispute which cannot be termed as heinous or antisocial in nature. For the betterment of young couple, they have consciously took a decision to set and rest all the differences. In order to further the settlement, it necessitates to quash the FIR.

7. In view of above, we are inclined to invoke our inherent jurisdiction under Section 482 of the Code of Criminal Procedure. The Criminal Application is allowed and disposed of. We are hereby quash and set aside the FIR relating to Crime No.249/2023, registered with Police Station Shendurjanaghat, District Amravati (Gramin) for the offence punishable under Sections 498A, 504, 506 read with Section 34 of the Indian Penal Code.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

*Kirtak*