



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

CRIMINAL APPLICATION NO.1566 OF 2023

1. Pragati w/o Omkar Nemade (earlier Pragati d/o Haribhau Surjuse), aged about 34 years, Occ. Nil, R/o Village Anjansingi, Mahagaon, Dist. Yavatmal.
2. Vikas @ Vikramsingh s/o Haribhau Surjuse, aged about 30 years, Occ. Medical Practitioner, r/o Village Anjansingi, Tal. Mahagaon, Dist. Yavatmal.
3. Sonbaji @ Sanaji s/o Bhikaji Satote, aged about 45 years, Occupation : Lawyer, R/o Pune.
4. Rameshwar @ Dnyaneshwar s/o Champatrao Nemade, aged about 52 years, Occ. Agriculturist, r/o Village Anjansingi, Mahagaon, Dist. Yavatmal.

... APPLICANTS

VERSUS

1. State of Maharashtra, through the Police Station Officer, Mahagaon Police Station, Dist. Yavatmal.
2. Omkar Yadavrao Nemade, aged about 39 years, Occu. Agriculture, r/o Mahagaon, Dist. Yavatmal.

... NON-APPLICANTS.

Shri N.S. Khandewale, Advocate for the applicants.
Shri Badar, Addl.PP for the State.
Shri S.P. Bhandarkar, Advocate for the non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 08.11.2023.

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

Not on Board. Taken on Board.

2. Heard. **ADMIT.**

3. The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

4. This is an application seeking to quash the First information Report bearing Crime no.315 of 2022 registered with the Mahagaon Police Station, District Yavatmal for the offence punishable under Sections 294, 506 read with Section 34 of the Indian Penal Code, on account of the mutual settlement.

5. The applicants are the wife and relatives of the wife of non-applicant no.2 husband. In fact, the police report is the outcome of matrimonial dispute. The parties have settled the dispute through the

mediation and executed the settlement Deed, which has been tendered in Criminal Application No.1002 of 2023. The couple has no issue from the wedlock.

6. The parties have agreed to sever matrimonial ties by obtaining decree of divorce by mutual consent. It was decided that the husband would pay sum of Rs.6 lakhs towards full and final settlement.

7. The informant husband is present before the Court, who is identified by his Advocate Shri S.P Bhandarkar. He has no objection to quash the FIR. The dispute is matrimonial in nature which cannot be termed as heinous or anti-social. The couple is young who took conscious decision to take divorce for betterment of their life. Continuation of such prosecution would amounts to abuse of the process of Court.

8. In the above circumstances, we are inclined to invoke our inherent powers to quash the proceedings, hence the following order :

(a) The application is allowed and disposed of.

(b) We hereby quash and set aside the First information Report bearing Crime no.315 of 2022 registered with the Mahagaon Police Station, District Yavatmal for the offence punishable under Sections

294, 506 read with Section 34 of the Indian Penal Code.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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