



Judgment

19 apl 1220.19

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

CRIMINAL APPLICATION (APL) NO. 1220/2019

1. Arun N. Pandhare,
Aged 27 yrs., Occ. Labourer,
R/o. Gawandhala, Lehani,
Tal. Risod, Dist. Washim,
2. Nathugyanba Pandhare,
Aged 70 yrs., Occ. Farmer,
R/o. Gawandhala, Lehani,
Tal. Risod, Dist. Washim,
3. Mrs. Laxmibai Nathu Pandhare,
Aged 65 yrs., Occ. Housewife,
R/o. Gauthala, Lehani,
Tal. Risod, Dist. Washim,
4. Saraswati/Manjulabai Rameshwar,
Chankhore, Aged 55 yrs., Occ. Housewife,
R/o. Bori, Tal. Mehkar, Dist. Buldhana,
5. Rameshwar Pandurang Chankhore,
Aged 58 yrs., Occ. Labour,
R/o. Bori, Tal. Mehkar, Dist. Buldhana,
6. Mrs. Ravita w/o Mohan Shinde,
Aged 45 yrs., Occ. Housewife,
R/o. Matmal, Tal. Lonar,
7. Mrs. Sulabha w/o. Mohan Dhavale,
Aged 40 yrs., Occ. Housewife,
R/o. Shara, Tal. Lonar, Dist. Buldhana.

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APPLICANTS

VERSUS

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1. State of Maharashtra,
through its Police Station Officer,
Police Station, Dongaon,
Tah. Mehkar, Dist. Buldhana.
2. Mrs. Puja Arun Pandhare,
(Complainant), Aged 24 yrs.,
Occ. Housewife, R/o. Madni,
Tal. Mehkar, Dist. Buldhana.

...NON-APPLICANTS

Mr. A. Mate, Advocate h/f Ms. Mayuri Kulkarni Dharmadhikari
(appointed) for applicants.

Mr. S.M. Ghodeswar, APP for non-applicant No.1/State
Ms. A. M. Telange, Advocate h/f Ms. A.P. Tathod, Advocate for non-
applicant No.2.

**CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.**

DATE : 09.10.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. This is an application seeking to quash First Information Report ('FIR') along with charge-sheet No.49/2019 arising out of crime No. 130/2019 registered with Police Station Dongaon, Buldhana for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code on account of mutual settlement.

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3. At the instance of report lodged by respondent No.2 wife, crime has been registered alleging matrimonial harassment. The Police investigated the matter and filed charge-sheet. During the pendency of the proceeding, with the aid of relatives and friend, the parties have mutually settled the dispute. It was decided that due to differences, both cannot live together, therefore they took conscious decision to sever matrimonial ties. In view of that, both have applied for divorce by mutual consent under Section 13-B of the Hindu Marriage Act. Accordingly, the Court of competent jurisdiction has passed decree of divorce on 21.12.2022. In accordance with the terms of settlement, the husband has deposited sum of Rs. 3,00,000/- in this Court. The applicants agreed that they have no objection for withdrawal of said amount by non-applicant No.2 wife. Since the matter is settled, the non-applicant No.2 wife has filed an affidavit stating about settlement and her no objection to go on with the prosecution. She has also stated that as per settlement, she has withdrawn the proceeding filed under Section 125 of the Code of Criminal Procedure.

4. Today, informant wife is present before us who has been

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identified by her counsel Mrs. A. Telang, learned counsel for non-applicant No.2. She admitted about settlement and her no objection to quash the proceeding. The matrimonial dispute cannot be termed as heinous or anti-social. Since the matter is settled, there is no purpose to continue the proceeding.

5. In view of above, we are inclined to invoke our extraordinary jurisdiction. Application is allowed. We hereby quash and set aside FIR along with charge-sheet No. 49/2019 arising out of crime No. 130/2019 registered with Police Station Dongaon, Buldhana for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code on account of mutual settlement and also proceeding pending on the file of Judicial Magistrate First Class, Mehkar.

6. Informant wife is permitted to withdraw the sum deposited in this Court in her maiden name Ms. Sonali Narayan Metangale on furnishing document to that effect.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)