



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

CRIMINAL APPLICATION (APL) NO.135/2024

1. Subodh S/o Kishor Gawande,
aged about 35 Yrs., Occ. Business.
2. Kishor S/o Govindrao Gawande,
aged about 65 Yrs., Occ. Retired.
3. Smt. Swati W/o Kishor Gawande,
aged about 55 Yrs., Occ. Business.

All R/o Plot No.89, Shri Nagar,
Empress Mills Society, Bhandara
Ring Road, Tah. & Dist. Nagpur.

... Applicants

- Versus -

1. State of Maharashtra,
through Secretary, Ministry for
Home, Mantralaya, Mumbai.
2. State of Maharashtra,
through Police Inspector, Police
Station Rajapeth, Amravati.
3. Bhagyashri D/o Ashok Dhotre,
aged 36 Yrs., Occ. Govt. Service,
R/o A-90, Saraykar House, Linen
Club, Amravati Road, Bharat Nagar,
Nagpur.

Also at Ashwabhagya Sanjot, Buty
Plot, Opp. Dr. N.T. Chandak Hospital,
Near Rajapeth Police Station,
Amravati.

... Non-applicants

Mr. J.M. Gandhi, Advocate for the Applicants.
Mr. A.B. Badar, A.P.P. for Non-applicant Nos.1 and 2.
Mr. Shriram Chopde, Counsel h/f Mr. R.D. Dharmadhikari,
Counsel for Non-applicant No.3.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 23.1.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. This is an application seeking to quash criminal prosecution (Regular Criminal Case No.521/2018) arising out of Crime No.0282/2016 registered by Police Station Rajapeth, Amravati for the offence punishable under Sections 498-A, 504, 506, 323 and 294 read with Section 34 of the Indian Penal Code read With Sections 4 and 5 of the Dowry Prohibition Act on account of mutual settlement.

3. The wife has lodged the report against husband and in-laws for matrimonial harassment. Similarly there was matrimonial proceedings in between the parties pending at Family Court, Nagpur. The parties have mutually settled before Family Court and obtained decree of divorce by mutual consent in terms of Section 13B of the Hindu Marriage Act. While settling the dispute it was agreed that the wife would not prosecute the criminal case i.e. R.C.C. No.521/2018 on account of mutual settlement.

4. In pursuance of settlement arrived at Family Court the parties have jointly moved to this Court in Family Court Appeal Stamp No.181/2023 for disposal of appeal on account of settlement. In pursuance of directions the parties have settled the matter before Family Court. Our order dated 18.10.2023 passed in Family Court Appeal reflects about settlement and personal verification by this Court about settlement.

5. It is a matter of matrimonial dispute which has been amicably settled. The learned Counsel for informant wife also reiterated that the matter is settled and he has no objection for quashing proceedings. The alleged offence cannot be termed as heinous or antisocial.

6. In view of the above, application is allowed. We hereby quash and set aside Criminal proceedings (R.C.C. No.521/2018) arising out of Crime No.0282/2016 registered by Police Station Rajapeth, Amravati for the offence punishable under Sections 498-A, 504, 506, 323 and 294 read with Section 34 of the Indian Penal Code read With Sections 4 and 5 of the Dowry Prohibition Act.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)