



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

CRIMINAL APPLICATION (APL) NO. 264 OF 2023

1. Jagdeo s/o Mahadeo Deokar
Aged about 70 years,
Occupation – Agriculturist,
2. Rajkanya w/o Jagdeo Deokar
Aged about 62 years,
Occupation – Housewife
3. Nilesh s/o Jagdeo Deokar
Aged about 44 years,
Occupation – Teacher
4. Anubha w/o Nilesh Deokar
Aged about 35 years,
Occupation – Teacher
Nos.1 to 4, R/o. Dongargaon,
Tah. & District – Akola.
5. Sushma w/o Arun Bole
Aged about 42 years,
Occupation – Housewife,
6. Arun s/o Shamrao Bole
Aged about 55 years,
Occupation – Teacher
Nos.5 & 6, R/o. Hatgaon,
Tah. Murtizapur, District – Akola
7. Vaishali w/o Nirmal Wawge
Aged about 38 years,
Occupation – Housewife
8. Nirmal s/o Dnyaneshwar Wawge
Aged about 43 years,
Occupation – Service



... Applicants

Nos. 7 & 8, R/o. Flat No.101, Saigiri Nandan
Society, 'A' Wing, Kate Colony, Road No.4,
Choviswadi, Charholi (Kh.), Pune.

9. Mangesh s/o Jagdeo Deokar
 Aged about 35 years,
 Occupation – Service,
 R/o. Dongangaon, Tah. & District – Akola

Versus

1. State of Maharashtra,
 Through Police Station Officer,
 Police Station Borgaon Manju,
 Tah. & District – Akola

2. Pooja w/o Mangesh Deokar
 Aged about 25 years,
 Occupation – Housewife,
 R/o. Kanshioni, Tah. & District – Akola

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... Non-applicants

Mr. A.M. Tirukh, Advocate for applicants.

Ms. Trupti Udeshi, APP for non-applicant No.1/State.

Ms. Kirti Deshpande, Advocate (appointed) for non-applicant No.2.

**CORAM : VINAY JOSHI, AND
 SMT. VRUSHALI V. JOSHI, JJ.**
DATE : 12.04.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Criminal Application (APPP) No.602/2024

Read the application. In view of contents, the application is allowed and disposed of accordingly.

(2) Necessary amendment be carried out forthwith.

(3) Heard finally by consent of both the learned counsel for the parties.

(4) **Admit.**

(5) This is an application seeking to quash FIR in Crime No. 27/2023 registered with Police Station Borgaon Manju, Tah. & District – Akola, for the offence punishable under Sections 498-A, 377, 323, 504, 506 read with Section 34 of the Indian Penal Code, on account of mutual settlement.

(6) The couple got married on 22.04.2021. Since there was matrimonial harassment the informant wife has filed a report on the basis of which, crime has been registered. The couple is young, having no issue from the wedlock. The wife has also filed a proceeding under the Domestic Violence Act. Both of them found it difficult to live together.

(7) In the meantime, with the aid and intervention of relatives, the matter has been amicably settled. Both have decided to sever matrimonial ties in permanency. The husband has agreed to pay total sum of Rs.8,00,000/- (Rs.Eight Lakhs Only) towards lump-sum maintenance. As per agreement, they have applied to the Family Court for decree of divorce by mutual consent. The husband has deposited sum of Rs.8,00,000/- (Rs.Eight Lakhs Only) in the Family Court which the wife would entitle to withdraw after the decree of divorce.

(8) The informant wife has filed copy of divorce petition as well as she has filed reply stating about compromise and her no objection to quash proceedings. The informant lady is present before us who is identified by her Advocate. She has agreed about the settlement. The husband has agreed to return all the gift articles after decree of divorce. It is a matrimonial dispute which cannot be termed as heinous or anti-social. In the circumstances, the continuation of proceeding amounts to abuse of the process of the Court.

(9) In view of above, the application is allowed. We hereby quash and set aside the FIR in Crime No.27/2023 registered with Police Station Borgaon Manju, Tah. & District – Akola, for the offence punishable under Sections 498-A, 377, 323, 504, 506 read with Section 34 of the Indian Penal Code.

Note : - The informant lady agreed that she has received all the documents.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity