



Judgment

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

CRIMINAL APPLICATION (APL) NO. 1476/2024

WITH

CRIMINAL APPLICATION (APL) NO. 388/2024

CRIMINAL APPLICATION (APL) NO. 1476/2024

Nikhil Kisanlal Pardeshi (Husband)
Aged 30 yrs., Occ. Labourer,
R/o. Subhash Peth, Chavani, Chattrapati
Sambhaji Nagar, Tq. & Dist. Chattrapati
Sambhaji Nagar (Aurangabad)

... **APPLICANT**

VERSUS

1. The State of Maharashtra,
through Police Station Officer, Akot,
Tq. Akot, Dist. Akola.
2. Payal Nikhil Pardeshi (wife)
Age 25 yrs., Occ. Household,
R/o. Gajanan Nagar, Akot,
Tq. Akot, Dist. Akola.

...**NON-APPLICANTS**

Mr. V.B. Bhise, Advocate for applicant.
Mrs. N. Tripathi, APP for non-applicant No.1/State.
Mr. A.M. Motlag, Advocate for non-applicant No.2.

WITH

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CRIMINAL APPLICATION (APL) NO. 388/2024

1. Mirabai Kishanlal Pardeshi,
(Mother-in-law)
Aged 52 yrs., Occ. Housewife,
R/o. House No. 768, Pensionpura,
near Ganpati Mandir, Chaaoni,
Tq. & Dist. Auragabad,
2. Pramila Anil Dethe, (sister-in-law)
Aged 31 yrs., Housewife, R/o. TalokarPura,
Akot, Tq. Akot, Dist. Akola presently
residing at Indian Army Cantonment Khadki,
Tq. & Dist. Pune,
3. Anil Mohanlal Dethe, (Brother-in-law)
Aged 38 yrs, Occ. Army Nurse,
R/o. Talokarpura, Akot, Tq. Akot, Dist. Akola,
presently serving as Nursing Assistant, Army
Hospital, Indian Army Cantonment, Khadki,
Tq. & Dist. Pune.
4. Raju Gulab Pardeshi (Father-in-law),
Aged 54 yrs., Occ. --- R/o. House No.806,
Pensionpura, near Ganpati Mandir, Chaaoni,
Tq. & Dist. Aurangabad.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
through Police Station Officer, Akot,
Tq. Akot, Dist. Akola.
2. Payal Nikhil Pardeshi
Age 25 yrs., Occ. Household,
R/o. Gananan Nagar, Akot,
Tq. Akot, Dist. Akola.

...NON-APPLICANTS

Mr. V.B. Bhise, Advocate for applicants.
Mrs. N. Tripathi, APP for non-applicant No.1/State.
Mr. D.N. Mudgale, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI AND
SANJAY A. DESHMUKH, JJ.**
DATE : 09.10.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. By these applications, the applicants are seeking to quash First Information Report ("FIR") vide Crime No. 30/2024 registered with Police Station Akot for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code on account of settlement.

4. The informant lady appeared suo moto through her Advocate.

5. The applicants of Criminal Application (APL) No. 388/2024 are nearer relatives of husband as well as applicant in Criminal Application

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(APL) No. 1476/2024 is husband of informant lady. The couple got married on 09.11.2019, on which informant lady started to co-habit with husband and in-laws. After few days, there was matrimonial discord, on which the dispute arose. Finally, feeling matrimonial harassment, the informant started to live separately and lodged report. It is informed that till date, charge-sheet has not been filed.

6. During the pendency of these applications, the parties have amicably settled the dispute on the advise of family members. Both have decided to sever matrimonial ties and husband would pay sum of Rs. 2,00,000/- to the informant towards full and final settlement. In accordance with the settlement, they have filed petition for divorce by mutual consent which is pending. The husband is present before us who has made a statement that he would pay sum of Rs. 2,00,000/- to wife on the date of passing of decree of divorce. We record his statement as an undertaking given to this Court.

7. The informant is present before us. She has filed reply in both applications stating about the settlement and her no objection to quash the proceeding. We have verified the contention of the informant. It is matrimonial dispute which cannot be termed as heinous or anti-social. In

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view of that, continuation of prosecution amounts to the abuse of the process of the Court.

8. In view of above, both applications are allowed. We hereby quash and set aside FIR vide Crime No. 30/2024 registered with Police Station Akot for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code on account of settlement.

9. Both applications stand disposed of in above terms.

(SANJAY A. DESHMUKH, J.)

(VINAY JOSHI, J.)