



Judgment

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

CRIMINAL APPLICATION [APL] No. 439/2024.

1.Vaibhav s/o Purushottam Meshram
(Husband)
Aged around 35 years, Occupation – Service,

2.Kalpana w/o Purushottam Meshram,
(mother-in-law)
Aged around 57 years, Occupation Nil,

Both residents of Saisadan Society, B-Wing,
301, Nehru Nagar, Kurla, Mumbai. ...

APPLICANTS.

VERSUS

1.State of Maharashtra,
through P.S.O. Buldhana City,
District Buldhana.

2.Yugandhara w/o Vaibhav Meshram
(Complainant)
Age 31 years, Occupation – Household,
resident of Samruddhi Nagar, Panchal
Shikshak Colony, Yedgaon,
Buldhana City, District Buldhana. ...

NON-APPLICANTS.

Rgd.

Mr. L. Mehsram, Advocate for Applicants.
Ms N. Tripathi, A.P.P. for Non-applicant No.1 – State.
Mr. A.A. Mankar, Advocate for Non-applicant No.2.

**CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.**

DATE : MARCH 14, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. **Admit.**

By consent of the learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the charge sheet registered as R.C.C.No.202/2020 arising out of first information report bearing Crime No.659/2019 registered with Buldhana City Police Station, Buldhana for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, on account of settlement.

3. The informant lady got married with the applicant no.1 on 21.10.2018 and started to cohabit at her matrimonial house. During her cohabitation, perceiving matrimonial harassment, she has lodged the report with the police, on which the aforesaid crime came to be registered. The police have completed the investigation and filed charge sheet. It is informed that yet the trial Court has not framed charges.

4. The husband has filed a petition for divorce before the Family Court at Bandra. The wife had applied to this Court seeking transfer of the divorce petition at Family Court, Buldhana. This Court thought that this matter can be settled through mediation. Accordingly the matter was send for mediation which turned into success and it was decided between the parties that they should get convert the pending divorce petition into the petition for divorce by mutual consent in terms of Section 13[b] of the Hindu Marriage Act.

5. The husband has agreed to pay a total amount of Rs.7.50 lakhs to the informant wife, towards one time settlement. In view of

this agreed terms, today the husband has handed over a demand draft of Rs.3.75 lakhs to the wife, which she has accepted. It is agreed that the balance amount would be deposited in the Family Court Bandra at the time of applying for conversion of the petition into a petition for mutual divorce by consent. A copy of the consent terms have been produced on record.

6. Today the informant is present before us. She is identified by her Counsel Shri Mankar. She has also filed her affidavit-reply stating about settlement and her no objection to quash the criminal proceeding. She undertakes before us that she would withdraw her application filed in terms of Domestic Violence Act within a period of two weeks from today. We have enquired from the informant, and she stated that she is agreeable to the terms.

7. The couple has no issue from the marriage. They have mutually decided to sever the matrimonial ties. The amount of one time maintenance was also agreed. The offence cannot be termed as heinous or antisocial. Further the parties undertake to jointly apply

for conversion of the divorce petition within a period of four weeks from today. Both parties shall abide by the terms and conditions of the mutual agreement which is placed on record of this Court. In view of that, we deem it proper to invoke our inherent powers to do complete justice. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The R.C.C.No.202/2020 pending before the Judicial Magistrate First Class, Buldhana arising out of first information report bearing Crime No.659/2019 registered with Buldhana City Police Station, Buldhana for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

JUDGE

JUDGE