



Judgment

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

CRIMINAL APPLICATION [APL] NO. 600/2024.

1. Bajrang s/o Bansilal Agrawal,
Aged about 74 years, Occupation –
Business, resident of New Plot,
Amalner, Tal. Amalner,
District Jalgaon.

2. Gaurav s/o Nandkishor Agrawal,
Aged about 40 years, Occupation –
Business.

3. Nandkishor s/o Balmukund Agrawal,
Aged about 67 years, Occupation –
Business,

4. Rajshri w/o Nandkishor Agrawal,
Aged about 60 years, Occupation
Business,

5. Ashwini d/o Nandkishor Agrawal,
Aged about 38 years, Occupation
Business,

All resident of Green Park, Near Gujarati
Bhawan, Dhule.

...

APPLICANTS.

VERSUS

Rgd.

1.State of Maharashtra,
Through Police Station Officer,
Police Station Rajapeth,
Amravati, Tal and District
Amravati.

2.Smt. Vidhi w/o Gaurav Agrawal,
Aged about 34 years, Occupation
Household, resident of Near Bansal
Medical, Pannalal Nagar,
Amravati, Tal. And District
Amravati.

... NON-APPLICANTS.

Mr. G.K. Mundhada, Advocate for Applicants.
Mr. I.J. Damle, A.P.P. for Non-applicant No.1.
Mr. K. Kadasne, Advocate for Non-applicant No.2.

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

DATE : APRIL 26, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. Admit.

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

Rgd.

3. This is an application seeking to quash the criminal prosecution bearing R.C.C. No.631/2019 arising out of first information report bearing Crime No.170/2019 registered with Rajapeth Police Station, Amravati for the offence punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code on account of mutual settlement.

4. The couple got married on 20.02.2017, and after marriage the informant resumed cohabitation with her husband and in-laws. They have no issues. During cohabitation, the informant was subjected to harassment, and hence she went to her maternal house and lodged the report. The police completed the investigation and filed charge sheet. It is informed that though charges are framed, evidence has yet not commenced.

5. With the aid and intervention of the relatives, the matter has been amicably settled. The couple have decided to sever the matrimonial ties. The husband has agreed to pay an amount of Rs.25 lakhs to the informant as one time settlement. In pursuance of

Rgd.

said settlement, the parties have applied to the Family Court at Amravati seeking divorce by mutual consent. It is informed that the husband has already paid the entire amount of Rs.25 lakhs to the informant.

Today the informant is present before the Court and is identified by her Advocate Shri Kadasne. She has filed reply-affidavit stating about the settlement and her no objection to quash the proceedings. On our query, the informant agreed about the settlement and receipt of entire amount of Rs.25 lakhs by way of bank transfer.

6. The offence in the matter cannot be termed as heinous or anti social. The matrimonial dispute has been amicable settled. In the circumstances continuation of prosecution would amount to an abuse of the process of law. Hence the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.

Rgd.

- (ii) The criminal prosecution bearing R.C.C. No.631/2019 pending on the file of Judicial Magistrate, First Class, Amravati arising out of first information report bearing Crime No.170/2019 registered with Rajapeth Police Station, Amravati for the offence punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code is hereby quashed and set aside.

JUDGE

JUDGE