



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

**CRIMINAL APPLICATION (APL) NO. 741 OF 2024**

1. Mr. Kiran s/o Sudhakar Khadatkar  
(Husband of Complainant)  
Aged about 31 yrs., Occ. Service  
[Aadhar No.447970664882]  
Mob. No.9028352381
2. Mrs. Pushpa w/o Sudhakar Khadatkar  
(Mother-in-law of Complainant)  
Aged about 61 yrs., Occ. Housewife
3. Mr. Sudhakar s/o Ganpatrao Khadatkar  
(Father-in-law of Complainant)  
Aged about 71 yrs., Occ. Retired



... Applicants

All R/o Plot No.15, New Prashant Nagar,  
New Nandanwan, Nagpur – 440024

**Versus**

1. State of Maharashtra  
Through Police Station Officer  
Nandanwan Police Station  
Nagpur.
2. Mrs. Shubhangi W/o Kiran Khadatkar  
(Complainant)  
Before marriage known as  
Ku. Shubhangi d/o Narendra Savnerkar  
Aged about 30 yrs., Occ. Service  
R/o C/o. Shri Narendra Savnerkar  
Flat No.301, Shri Swami Samarth  
Apartments, Ayodhya Nagar,  
Near Hanuman Temple,  
Nagpur – 440024  
[Aadhar No.990546641535]  
Mobile No.9284091848, 9511604247



... Non-applicants

Mr. S.D. Deoras, Advocate for applicants.

Mr. Amit Chutke, APP for non-applicant No.1.

Mr. G.B. Hemke, Advocate for non-applicant No.2.

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

**DATE : 02.05.2024**

**ORAL JUDGMENT: (PER: Vinay Joshi,J)**

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

**(2) Admit.**

**(3)** This is an application seeking to quash charge-sheet arising out of Crime No.302/2022 registered with Police Station Nandanvan, Nagpur City, for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code on account of settlement.

**(4)** The informant lady got married with the applicant on 14.02.2021, on which, the informant resumed to cohabit with her husband and in-laws. Feeling matrimonial harassment, she has lodged the report, on the basis of which, crime has been registered. The police investigated the matter and filed charge-sheet.

(5) The wife has also filed an application to the Magistrate in terms of Section 12 of the Protection of Women from Domestic Violence Act. Pursuing the element of settlement, the Magistrate has referred the matter for mediation, which turned to be successful. It was agreed that the parties shall obtain a divorce by mutual consent and the husband would pay one-time maintenance of Rs.2,00,000/- (Rs. Two Lakhs Only). It was also agreed that the wife would cooperate in quashing the criminal prosecution.

(6) In the meantime, with the aid and intervention of relatives, the matter has been amicably settled. The couple is young having no issue from the wedlock. Both have decided to sever marital ties permanently due to compatibility issues. In view of the settlement, they have applied to the Family Court seeking divorce by mutual consent. The husband has undertaken to pay Rs.2,00,000/- (Rs. Two Lakhs Only) at the time of passing of the decree of divorce. Today, the informant is present through her Advocate who identifies her. On our query, the informant stated about settlement and her no objection to quash the proceeding. The informant has also filed a reply stating about settlement and her no objection to quash the

criminal prosecution. It is informed that the Family Court, Nagpur, vide Petition F No.137/2024 has been kept the matter on 18.09.2024.

(7) The husband undertakes to us that he will deposit a sum of Rs.2,00,000/- (Rs. Two Lakhs Only) within one month in Family Court which shall be disbursed after passing the divorce decree. The offence is matrimonial which has no social impact. In the circumstances, continuation of prosecution amounts to abuse of the process of the Court.

(8) In view of the above, the application is allowed. We hereby quash and set aside the criminal prosecution namely RCC No.3666/2022, pending on the file of Judicial Magistrate First Class, Nagpur, arising out of Crime No.302/2022 registered with Police Station Nandanvan, Nagpur City, for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code.

**[VRUSHALI V. JOSHI, J.]**

**[VINAY JOSHI, J.]**

*Prity*