



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

CRIMINAL APPLICATION (APL) NO. 703 OF 2024

Pradip s/o Anand Dahiwade
Aged about 51 years, Occ. Advocate,
R/o. 44, Near Pothra Office, Maroti
Ward No.2, Hinganghat,
Tah. Hinganghat, District – Wardha.

} ... Applicant

Versus

1. State of Maharashtra
Through P.S.O. Pratap Nagar,
Nagpur.
2. Rupali w/o Pradip Dahiwade
(Ku. Rupali d/o Shankarrao Kothare)
Aged about 39 years, Occ.: Household Work,
R/o. 56 Dambhare Layout, Trimurti Ngar,
Ranapratap Nagar, Nagpur.

} ... Non-applicants

Ms. N. Dhoke, Advocate for applicant.

Mr. S.B. Bissa, APP for non-applicant No.1.

Mr. Kailash J. Rawandhe, Advocate for non-applicant No.2.

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

DATE : 09.05.2024

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 criminal prosecution (RCC No.2138/2019) arising out of Crime No.324/2018 registered with Police Station Ranapratap Nagar, District Nagpur, for the offence punishable under Sections 294, 323, 498-A, 504, 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, on account of settlement.

(4) The couple got married on 27.04.2017. After marriage, the informant resume to cohabit with her husband and in-laws. However, within eight months by pursuing matrimonial harassment, she left to reside with husband and returned to her parental house. Thereafter, she has lodged the report against the husband only, on the basis of said report, crime was registered, investigation was carried and charge-sheet has been filed. It is informed that the trial Court has yet not framed the charges.

(5) With the aid and intervention of relatives both have amicably settled the differences. The couple is young having no issue from the wedlock. They decided to sever matrimonial ties in permanency. The husband has agreed to pay sum of Rs.16,00,000/- (Rs. Sixteen Lakhs Only) towards full and final settlement.

(6) In pursuance of settlement, both have jointly filed the petition for divorce by mutual consent which is pending. The respondent has already paid agreed sum of Rs.16,00,000/-(Rs. Sixteen Lakhs Only) to the wife, which she received. The informant wife today appeared through her counsel and filed reply stating about settlement and her no objection to quash the proceeding. On our query, she has accepted the contents of reply.

(7) It was a matrimonial dispute which has been amicably settled. Both have decided to sever matrimonial ties and to live life as per their choice. In view of settlement, continuation of prosecution amounts to abuse of the process of the Court.

(8) Accordingly, the application is allowed. We hereby quash and set aside criminal prosecution (RCC No.2138/2019) arising out of Crime No.324/2018 registered with Police Station Ranapratap Nagar, District Nagpur, for the offence punishable under Sections 294, 323, 498-A, 504, 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

[VRUSHALI V. JOSHI, J.]

Prity

[VINAY JOSHI, J.]