



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

CRIMINAL APPLICATION (APL) NO. 893 OF 2022

1. Dr. Suraj S/o Dariyanamal Bhawnani
Aged 31 years, Occupation – Medical
Practitioner,
2. Dr. Dariyanamal S/o Sundardas Bhawnani
Aged 64 years, Occupation – Medical
Practitioner,
3. Smt. Pramila W/o Dariyanamal Bhawnani
Aged 60 years, Occupation – Household



All Resident of Ward No.11, Suraj
Compound,
Shankar Nagar, Opposite Ujjala Bhavan,
Station Road, Durg, Chhattisgarh – 491001

... Applicants

Versus

1. State of Maharashtra,
Through P.S.O Ram Nagar,
Tahsil & District – Chandrapur
Maharashtra
2. Smt. Roshani @ Nisha W/o Suraj Bhawnani
Age 31 years, Occupation – Service,
Resident of C/o Vasudeo Gidwani, Opposite
Durga Mata Temple, Sindhi Colony,
Ramnagar,
Chandrapur.



... Non-applicants

Mr. S.C. Mishra, Advocate for applicants.

Mr. Nikhil Joshi, APP for non-applicant No.1.

Mr. A.A. Dhawas, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.
DATE : 12.04.2024

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 bearing RCC No.436/2022 pending before the Judicial Magistrate First Class, Chandrapur, arising out of Crime No.24/2022 registered with Police Station Ram Nagar, District – Chandrapur, for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code.

(4) The informant lady got married with applicant in the month of February, 2018. After marriage, she resumed to cohabit with her husband and in-laws. After few days, facing matrimonial harassment. She went her maternal house and thereafter, lodged the report. The police have investigated the matter and filed charge-sheet. It is informed that yet charges have not been framed.

(5) The informant lady has also filed a proceeding under the provisions of Domestic Violence Act in the Court of Judicial Magistrate First Class, Chandrapur. The then Magistrate has referred

the matter for mediation which turns to be successful. The couple was young. They decided to sever matrimonial ties in permanency. The husband has agreed to pay total sum of Rs.7,00,000/- (Rs.Seven Lakhs Only) towards full and final settlement. The terms of settlement have been incorporated into writing which have been produced on record. The parties have decided to mutually apply for decree of divorce. The husband has already paid sum of Rs.3,50,000/- (Rs. Three Lakhs Fifty Thousand Only) to the wife and balance was agreed to be paid after decree of divorce.

(6) The respondent wife has appeared in the matter through Mr. Dhawas, Advocate. She has filed reply-cum-pursis stating about settlement and her no objection to quash the proceeding. Today, the respondent lady has joined on video conferencing from the office of Advocate Mr. V.S. Tandon of Chandrapur. Mr. Dhawas, Advocate has identified the lady who has appeared on video conferencing. On our enquiry, the informant lady stated about the settlement and her no objection to quash the proceeding. The matrimonial dispute has been amicably resolved by the parties. The offence cannot be termed as heinous or anti-social.

(7) In view of above, the application is allowed. We hereby quash and set aside charge-sheet bearing RCC No.436/2022 arising out of Crime No.24/2022 registered with Police Station Ram Nagar, District – Chandrapur, 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