



Judgment

apl5.215977.24

1

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

CRIMINAL APPLICATION [APL] No. 05 OF 2021
WITH
CRIMINAL APPLICATION [APL] NO.977 OF 2024

CRIMINAL APPLICATION [APL] NO.05 OF 2021

1] Gulabrao s/o Motiram Thote,
Aged about 68 years,
Occupation-Agriculturist.

2] Rekha w/o Gulabrao Thote,
Aged about 62 years,
Occupation-Housewife.

Applicant No.1 and 2 both R/o. Ward
No.3 at post Dhanodi, Taluka Warud,
District-Amravati.

3] Roshni w/o Dhanraj Futane,
Aged about 38 years,
Occupation-Housewife,
R/o. Chatrapati Nagar,
Chandurbajar, Taluka-Chandurbajar,
District-Amravati.

..

APPLICANTS

VERSUS

1] State of Maharashtra, through
Police Station Officer, Lohara,
District-Yavatmal.

- 2] Shailaja w/o Chetan Thote,
Aged about 30 years,
Occupation-Service,
R/o. c/o. Wamanrao Gawande,
Near Gauri Acqua, Jawahar Nagar,
Waghapur Road, Lohara, Yavatmal,
District-Yavatmal. .. NON-APPLICANTS

WITH

CRIMINAL APPLICATION [APL] NO.977 OF 2024

- Chetan s/o Gulabrao Thote,
Aged about 35 years,
Occupation-Service,
R/o. Dhanodi, Taluka-Warud,
District-Amravati. .. APPLICANT

VERSUS

- 1] State of Maharashtra, through
Police Station Officer, Lohara,
District-Yavatmal.
- 2] Shailaja w/o Chetan Thote,
Aged about 30 years,
Occupation-Service,
R/o. c/o. Wamanrao Gawande,
Near Gauri Acqua, Jawahar Nagar,
Waghapur Road, Lohara, Yavatmal,
District-Yavatmal. .. NON-APPLICANTS

Shri Vivek Awchat, Advocate for Applicants,
Shri Amit Chutke, APP for Non-Applicant No.1-State,
Shri T.A. Malnas, Advocate for Non-Applicant No.2.

.....

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

DATE : AUGUST 20, 2024.

ORAL COMMON JUDGMENT (PER VINAY JOSHI, J.) :

Heard. **Admit.**

2. By consent of the learned Counsel appearing for the parties, both the matters are taken up for final disposal.

3. Both the applications are seeking the same relief about quashing of the first information report bearing Crime No.0139/2020 registered with Police Station, Lohara, District-Yavatmal for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, on account of settlement. Criminal Application No.5/2021 has been filed by in-laws of the informant, whilst Criminal Application No.977/2024 is separately

filed by the husband.

4. The couple got married on 27.4.2018. They had a daughter from the wedlock. However, within few years, they started to reside separately due to differences. Finally, with the aid and intervention of the relatives, the matter is amicably settled. As per the settlement, both have jointly applied for decree of divorce which was passed by the Family Court on 6.7.2024. The amount of settlement of Rs.5,00,000/- (Rs. Five Lacs) has been paid to the informant-claimant.

5. Today the informant is present before us. She is identified by her Advocate. Informant has filed her reply in Criminal Application No.977/2024 stating about the settlement and her no objection to quash the proceeding. It is a matrimonial dispute which has been amicably settled in between the parties. In view of that, a case is made out to exercise inherent powers of this Court. In the circumstances, we proceed to pass the following order.

ORDER

(i) Both Criminal Applications are allowed and disposed of.

(ii) The first information report bearing Crime No.0139/2020 registered with Police Station, Lohara, District-Yavatmal 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

Gulande