



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

CRIMINAL APPLICATION (APL) NO.1165/2022

1. Harshabh S/o Arvind Mahant,
aged about 26 Yrs., Occ. Private Job,
R/o House No.15, Ward No.1,
Dhoman Layout, Chindwada Road,
Tah. Saoner, District Nagpur.
 2. Arvind S/o Kisan Mahant,
aged about 56 Yrs., Occ. Private Job,
R/o House No.15, Ward No.1,
Dhoman Layout, Chindwada Road,
Tah. Saoner, District Nagpur.
 3. Pratibha W/o Kisan Mahant,
aged about 53 Yrs., Occ. Housewife,
R/o House No.15, Ward No.1,
Dhoman Layout, Chindwada Road,
Tah. Saoner, District Nagpur.
 4. Rushikesh S/o Arvind Mahant,
aged about 31 Yrs., Occ. Private Job,
R/o B-124, Mahavir Clayx, BTM Forth
Stage, Bangalore (Karnataka) 560 076.
 5. Pratibha alias Seema W/o Rushikesh Mahant,
aged about 31 Yrs., Occ. Business,
R/o B-124, Mahavir Clayx, BTM Forth
Stage, Bangalore (Karnataka) 560 076. ... Applicants
- Versus -
1. State of Maharashtra,
through Police Station Officer,
Sitabardi, Nagpur.

2. Smt. Aishwarya W/o Harshabh Mahant,
aged about 25 Yrs., Occ. Housewife,
R/o 17/7, Priyadarshini Colony, Near
RTO Office, Civil Lines, Nagpur. ... Non-applicants

Ms. Smita Singalkar, Counsel for the Applicants.
Ms. S.V. Kolhe, A.P.P. for Non-applicant No.1.
Ms. S.S. Jachak (Gaikee), Counsel for Non-applicant No.2.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 11.1.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

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

2. This is an application seeking to quash First Information Report in Crime No.186/2022 registered under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961 on account of mutual settlement.

3. The couple got married on 27.2.2022. The couple has no issue from the marriage. On temperamental differences the marriage has not worked. Feeling matrimonial harassment the informant has lodged report on 11.5.2022.

4. In the meantime with the aid of intervention of the elderly members of the family both agreed to settle the dispute. It was found that it is difficult to live together and, therefore, they took conscious decision to sever matrimonial ties. The husband has agreed to pay Rs.21,00,000/- Lakhs towards full and final settlement. In view of that, they have already applied to the Family Court under Section 13(B) of the Hindu Marriage Act and obtained a decree of divorce dated 15.12.2023. The agreed sum of Rs.21,00,000/- has already been deposited in Family Court which was agreed to be withdrawn by wife after decree of divorce.

5. The informant is present in Court who is identified by her Advocate. The informant stated about settlement, deposit

of money in Family Court and her non-inclination to go on with the prosecution. It is a domestic dispute which cannot be termed as heinous or antisocial. Having regard to the settlement we deem it appropriate to exercise our extraordinary powers.

6. In view of above, application is allowed.

We hereby quash and set aside First Information Report in Crime No.186/2022 registered under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)