



Judgment

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

CRIMINAL APPLICATION (APL) NO. 1217/2023

Dr. Kushal s/o. Champalal Jain,
(husband), aged about 34 yrs.,
Occ. Doctor, R/o. Ahinsa Sadan,
Hospital Road, in front of Nikunj
Plaza, Bapunagar, Galli No.3.,
Dungarpur-314001, Rajasthan.

... **APPLICANT**

VERSUS

1. State of Maharashtra,
through Officer-in-charge of
Police Station Magrulpur,
Dist. Washim.
2. Priti w/o. Kushal Jain,
(wife) Aged about 32 yrs.,
Occ. Doctor, R/o. C/o.
Shri Rajkumar Barcha, Jain
Collection, Main Road, Mangrulpur,
Dist. Washim.

... **NON-APPLICANTS**

Mr. H.R. Gondhia, Advocate for applicant.
Ms. N. Tripathi, APP for non-applicant No.1.
Mr. A.M. Telange, Advocate for non-applicant No.2.

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

DATE : 13.03.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. By this application, the applicant husband is seeking to quash First Information Report ('FIR') vide Crime No. 1073/2021 registered with Police Station Magrulpir, Dist. Washim for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code on account of mutual settlement.

4. Initially, the family members of husband have applied for quashing vide Criminal Application (APL) No. 53/2022, in which the informant wife appeared and gave her no objection. In pursuance of that, FIR to the extent of relatives of husband has been quashed and set aside by us in Criminal Application (APL) No. 53/2022 vide order dated 21.08.2023.

5. The husband was left from applying who has come before us for quashing. The informant lady is staying at Delhi. Mr. Telange,

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learned counsel appearing for informant has submitted that the informant has conveyed that she has no objection to quash the proceeding against the applicant husband as the matter has been settled. The informant has filed her affidavit to that extent. It is stated that the matter is settled and the parties have already obtained a decree of divorce by mutual consent. The offences are of matrimonial nature. As the settlement has been arrived, there is not difficulty to quash the proceeding.

6. In view of above, applications is allowed. We hereby quash and set aside FIR vide Crime No. 1073/2021 registered with Police Station Magrulpir, Dist. Washim for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code on account of mutual settlement.

7. Application stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)