



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

CRIMINAL APPLICATION (APL) NO. 1227 OF 2023

(Rohit Kishor Sable and others vs. State of Maharashtra and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. C.B.Barve, Advocate for applicants.
Mrs.Sneha Dhote, APP for respondent No.1.
Mr. J.M.Gandhi, Advocate for respondent No.2.

CORAM : VINAY JOSHI AND ABHAY J. MANTRI, JJ.

DATE : OCTOBER 22, 2024

1) This is an application seeking to quash FIR on account of settlement in Crime No.532/2023 dated 17/07/2023 registered with Police Station, Gittikhadan District Nagpur for the offence punishable under Sections 498-A and 377 read with 34 of the Indian Penal Code, 1860.

2) The marriage took place on 17/02/2022 on which informant started to reside with her husband and nearer relatives. Within one month due to temperamental differences, the parties dis-associated, resulting into informant returned to her maternal house. Feeling matrimonial and sexual harassment, she has lodged a complaint with the Police. On the basis of said report, crime has been registered.

3) The husband has also filed a petition seeking divorce against the informant whilst later the informant has filed an application in terms of Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking multiple reliefs.

4) Both are educated and they realized that their marriage is not workable. At least both are in agreement on the point that they should dis-associate themselves for their better future with the aid and intervention of relatives, the matter has been settled. It was decided that they should jointly apply for a decree of divorce. The husband would pay total sum of Rs.20,00,000/- (Rupees Twenty Lakhs) to the informant towards full and final settlement. A document of settlement has been executed in between the parties.

5) The informant is present before us, who is identified by her Counsel. Today, the applicant-husband has handed over two demand drafts of Rs.10,00,000/- (Rupees Ten Lakhs) each to the informant in presence of her Counsel Mr.Gandhi. The informant also stated that she has received ornaments and belongings from the applicant and now nothing is due. The informant stated that in view of settlement, she has no objection to quash proceeding. Rather, she urged to quash the proceeding for her better future. The informant as well as her learned Counsel also stated that though remaining two accused of the crime, namely, Shubhangi Ulhas Dalvi and Ulhas Tejramji Dalvi have not applied for quashing of FIR, still the proceeding may be quashed against them in view of the settlement.

6) Having regard to the nature of offence, it cannot be termed as heinous or anti social. The parties have amicably settled the dispute and took conscious decision to sever their matrimonial ties, therefore, continuation of the prosecution would be sheer abuse of process of the Court.

7) In view of above, application is allowed. We hereby quashed and set aside FIR in Crime No.532/2023 dated 17/07/2023 registered with Police Station Gittikhadan, District Nagpur against the applicants, as well as non-applying accused involved in the said prosecution.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)

KOLHE