



Judgment

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

CRIMINAL WRIT PETITION NO. 695 OF 2023.

1.Amit Shamgir Gosavi,
Age 31 years, Occupation – Nil,

2.Shamgir Kisangir Gosavi,
Age 60 years, Occupation – Retired,

3.Sunita Shamgir Gosavi,
Age 55 years, Occupation – Household,

4.Ashish Shamgir Gosavi,
Age 34 years, Occupation – Business,

All residents of 53, Basavraj Nilay Ngar,
Rubi Nagar, Jule Solapur
District Solapur.

5.Prabhu Kacharu Giri,
Age 55 years, Occupation – Business,
resident of 135, Prop.Kavita Saree Centre
Behind Kamgar Kalyan Bhavan,
Mothadevi Mandir, Bajaj Nagar,
Aurangabad.

...

APPLICANTS.

VERSUS

Rgd.

1.The State of Maharashtra,
through Vasant Nagar Police Station,
Pusad, District Yavatmal.
Vide C.R.No.342/2022.

2.Pallavi Amit Gosavi,
[wife of applicant no.1]
Age 25 years, Occupation – Housewife,
resident of c/o. Manoj Manohar Giri,
reident of at Post Bhojala, Tahsil Pusad. .. NON-APPLICANTS.

Mr. C.S. Tamhane, Advocate for Applicants.
Mr. N. Joshi, A.P.P. for Non-applicant No.1.
Ms P.R. Arbat Awathale, Advocate for Non-applicant No.2.

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

DATE : OCTOBER 10, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Admit. By consent of the learned Counsel for the
parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the Criminal

Rgd.

prosecution bearing Regular Criminal Case No.133/2023 arising out of first information report bearing Crime No.342/2022 registered with Vasant Nagar Police Station, Yavatmal for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code on account of settlement.

3. The informant / lady feeling matrimonial harassment has lodged the aforesaid report. In the meantime, the matter has been amicably settled. The parties have already obtained divorce. The applicant has paid an amount of Rs.3.5 lakhs towards full and final settlement. The informant has filed reply-affidavit stating about the settlement and her no objection to quash the proceedings. She is present before the Court and is identified by her Advocate.

4. The offence is of matrimonial nature, which is now settled. In view of above continuation of the prosecution would amount to abuse of the process of Court, hence, we proceed to pass the following order.

Rgd.

5. Criminal Application is allowed and disposed of.
6. The Regular Criminal Case No.133/2023 arising out of first information report bearing Crime No.342/2022 registered with Vasant Nagar Police Station, Yavatmal for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code on account of settlement., is hereby quashed and set aside.
7. Fees of the appointed Counsel for non-applicant no.2 be determined as per Rules.

JUDGE

JUDGE