



Judgment

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

CRIMINAL APPLICATION NOS. 1084 & 1119 OF 2019.

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CRIMINAL APPLICATION NO. 1084 OF 2019.

1.Sugandha wd/o Vaman Patil,
Aged about 68 years, Occupation -
Housewife,

2.Vishal s/o Vaman Patil,
Aged about 37 years, Occupation -
Business.

Applicant Nos.1 and 2 both residents
of 104, Harikrupa Apartment, MG Colony,
Belgaum, Belagavi, Tilakwadi,
Karnataka – 590006.

3.Maya wd/o Nagesh Modagekar,
Aged about 59 years, Occupation -
Housewife, resident of 76-152,
Laxmi Galli, Nilaji, Belgaum,
Karnataka – 591124.

... APPLICANTS.

VERSUS

Rgd.

1.State of Maharashtra,
through Police Station Officer,
Hudkeshwar Police Station,
Nagpur.

2.Abhilasha w/o Vijay Patil,
Aged about 30 years, Occupation -
Household, resident of 203,
Ladikar Layout, Manewada Road,
Ayodhya Nagar, Nagpur.

... NON-APPLICANTS.

WITH

CRIMINAL APPLICATION NO. 1119 OF 2019.

Vijay s/o Vaman Patil,
Aged about 34 years, Occupation -
Private job, resident of 104, Harikrupa
Apartment, MG Colony,
Belgaum, Belagavi, Tilakwadi,
Karnataka – 590006.
Presently residing at Garden's
Apartment, Building-4, Apartment 612,
Dubai (UAE)

... APPLICANT.

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Hudkeshwar Police Station,
Nagpur.

2. Abhilasha w/o Vijay Patil,
Aged about 30 years, Occupation -
Household, resident of 203,
Ladikar Layout, Manewada Road,
Ayodhya Nagar, Nagpur.

... **NON-APPLICANTS.**

Mr. V.D. Awchat, Advocate for Applicants.
Mrs. K.H. Bhondge, A.P.P. for Non-applicant No.1 - State.
None for Non-applicant No.2 – Served.

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

DATE : SEPTEMBER 09, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

Admit. By consent of the learned Counsel present for the parties, the matters are taken up for final disposal.

2. By these applications the husband and relatives of husband are seeking to quash the first information report bearing Crime

Rgd.

No.353/2019 registered with Hudkeshwar Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, on account of settlement.

3. Out of a matrimonial dispute, the informant – lady lodged the report on the basis of which the aforesaid crime came to be registered for the offence relating to matrimonial cruelty. Similarly, several other proceedings were filed against each other by respective parties. The maintenance proceeding was going on, which was carried up to the Supreme Court. Looking to the variety of matters in between spouses, the Supreme Court has referred the matter for mediation, which turned to be successful. The parties have arrived at a compromise, and thus severed the matrimonial ties. The husband had agreed to pay lump sum amount of Rs.1.10 Crores towards full and final settlement. Accordingly terms of settlement were filed before the Supreme Court. Having regard to the settlement in exercise of the powers under Article 142 of the Constitution of India, the Supreme Court annulled the marriage and disposed of the proceeding.

Rgd.

4. In view of the settlement, the husband has already paid the entire agreed sum to the informant lady. The informant has also filed an affidavit-in-reply dated 30.05.2024, stating about the settlement and no objection to quash the proceeding. However, the informant has remained absent in the present proceeding. It reveals that earlier the informant appeared through her Advocate, but, now she has chosen not to appear, may be because of the settlement of the matter.

5. We have gone through the terms of settlement filed before the Supreme Court and the orders passed therein. Moreover, the informant has filed an affidavit which is on record. In the circumstances, there is no purpose in keeping the dispute alive in the Court of Magistrate, as no one is interested, rather the matter is settled. In view of that, we deem it appropriate to invoke our inherent powers to secure the ends of justice. Hence, the following order.

ORDER

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

Rgd.

- (ii) The first information report bearing Crime No.353/2019 registered with Hudkeshwar Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

JUDGE

JUDGE