



Judgment

36 apl 912.18

1

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

CRIMINAL APPLICATION (APL) NO. 912/2018

1. Rahul s/o Mangalrao Khandare,
aged about 30 yrs. Occ. Service,
R/o. Joshi Wada behind old Bus Stand,
Yavatmal.
2. Mangalrao S/o. Vishvnath Khandare,
aged about 55 yrs., Occ. Service,
3. Sunanda w/o Mangalrao Khandare,
aged about 50 yrs. Occ. Housewife,
4. Sachin s/o Mangalrao Khandare,
aged about 28 yrs., Occ. Service,

Applicant Nos. 2 to 4 R/o. Vilas Nagar,
Lane No.4. Gadge Nagar, Amravati, Tq. &
Dist. Amravati.

5. Jaishree w/o w/o Madukar Katole,
aged about 33 yrs., Occ. Housewife,
6. Madhukar s/o Sampatrao Katole,
aged about 40 yrs., Occ. Farming

Both 5 & 6 R/o. Plot No.76, Jainagar,
Bednera Road, Amravati,
Tq. & Dist. Amravati.

7. Sandip s/o Mangalrao Khandare,
aged about 32 yrs., Occ. Service,
8. Bhavna w/o Sandip Khandare,
aged about 26 yrs., Occ. Housewife,

2

Both 7 & 8 R/o. C/o. Mr. Nishan,
Plot No. 5B, Babde Layout, Indraprasth
Nagar, Bhamti, Nagpur.

... APPLICANTS

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Gadge Nagar, Amravati,
Tq. & Dist. Amravait.
2. Neha w/o Rahul Khandare,
aged about 24 yrs., Occ. Nil,
R/o. Uttam Nagar, near Garden
gate Amravati, Tq. & Dist. Amravati.

...NON-APPLICANTS

Mr. P.K. Mohta, Advocate for applicants.
Mr. N. Joshi, APP for non-applicant No.1.
Ms. Aastha Sharma, Advocate h/f Mr. P.R. Agrawal, Advocate for
non-applicant No.2.

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

DATE : 18.04.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash charge-sheet

3

arising out of crime No. 778/2018 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 498-A, 315, 354-B, 504 read with Section 34 of the Indian Penal Code on account of mutual settlement.

4. The informant got married with the applicant husband on 14.11.2017 and resumed cohabiting with her husband and in-laws. After few days of marriage, she was subjected to harassment. The family members of the husband also insisted her for abortion. Finally, couple separated and then the informant lodged report. The police have carried investigation and filed charge-sheet. The learned counsel appearing for applicants informed that yet the Trial Court has not framed charges.

5. The couple was young having no issue from the marriage. With the aid and intervention of the relatives, considering their future life, the party settled the dispute. Both find that it is difficult to live together and hence, they decided to sever matrimonial ties. The husband has agreed to pay total sum of Rs. 10,65,000/- towards one time settlement amount. In view of settlement, both have

4

jointly applied to the Family Court for a decree for divorce by mutual consent. Copy of said petition is produced on record which also bears the contents of compromise. It is informed that the husband has deposited entire agreed sum in the Family Court which the wife is supposed to withdraw after passing a decree for divorce.

6. The informant is present before us who has been identified by her Advocate Ms. Aastha Sharma. The informant has filed her affidavit-cum-reply stating about settlement and her no objection to quash the proceeding. We have inquired with the informant, on which she has agreed about settlement. It is matrimonial dispute which has been amicably settled. The offence cannot be said to be having social impact. Considering the future of young couple, we are inclined to exercise our inherent powers.

7. In view of above, application is allowed. We hereby quash and set aside charge-sheet arising out of crime No. 778/2018 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 498-A, 315, 354-B, 504 read with Section 34 of the Indian Penal Code pending on the file of learned Judicial

5

Magistrate First Class, Amravati on account of mutual settlement.

8. Application stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)