



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

CRIMINAL APPLICATION (APL) NO. 1626 OF 2022

1. Sou. Swati W/o Pravin Dahalke
Aged about 33 years, Occ. Service,
2. Shri Pravin S/o Sakharam Dahalke
Aged about 34 years, Occ. Service
Nos.1 & 2, R/o. 101, Shaswat Park
Manjarli, Badlapur (West), Mumbai
3. Shri Shivhari S/o Devchand Shelke
Aged 37 years, Occ. Auto Driver,
R/o. Room No.8, G.B. Road, Near Durga
Mata Temple, Patalipada, Thane (West)
4. Shri Santosh S/o Mamtaji Tekale
Aged about 42 years, Occ. Agriculturist,
5. Sou. Vanita W/o Santosh Tekale
Aged about 42 years, Occ. Agriculturist,
Nos.4 & 5, R/o. Baygaon Khurd,
Tah. Deoulgaon, District – Buldana.



... Applicants

Versus

1. State of Maharashtra,
Through its Police Station Officer,
Police Station Buldana,
District – Buldana.
2. Sou. Pooja W/o Atish Ghonge
Aged about 28 years, Occ. Household,
R/o. Rajput Layout, Dhad Naka,
Sangwan Parisar, Buldana,
Tah. & Dist. Buldana.



... Non-applicants

AND

CRIMINAL APPLICATION (APL) NO. 1663 OF 2022

1. Shri Atish S/o Shivaji Ghonge
Aged about 30 years, Occ. Private
2. Smt. Sharada Wd/o Shivaji Ghonge
Aged about 49 years,
Occ. Household

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... Applicants

Both R/o. 202, Shaswat Park,
Manjarli, Badlapur (West),
Mumbai

Versus

1. State of Maharashtra,
Through its Police Station Officer,
Police Station Buldana,
District – Buldana.
2. Sou. Pooja W/o Atish Ghonge
Aged about 28 years, Occ. Household,
R/o. Rajput Layout, Dhad Naka,
Sangwan Parisar, Buldana,
Tah. & Dist. Buldana.

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... Non-applicants

Corrected as per
Court's order
dated 13.03.2024

Mr. M.A. Vishnu, Advocate for applicants.

Mr. S. Bissa, APP for non-applicant No.1.

Ms. Kaikasha A. Shaikh, Advocate for non-applicant No.2.

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

DATE : 04.03.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard finally by consent of both the learned counsel
for the parties.

(2) Admit.

(3) Both applications are for seeking to quash FIR in Crime No.823/2022 registered with Police Station Buldana City, District – Buldana, for the offence punishable under Sections 143, 323, 498-A, 504 and 506 of the Indian Penal Code on account of mutual settlement. It is informed that yet the charge-sheet has not been filed.

(4) At the instance of report lodged by the informant - wife, crime has been registered. The couple was married on 26.02.2022 and thereafter, informant started to live with her husband and other family members. After a few days of marriage, she was subjected to harassment. The couple started to live separately from 29.08.2022. There is no issue from wedlock. Due to matrimonial harassment, the report has been filed, on the basis of which, crime has been registered.

(5) In the meantime, with the intervention of elder family members, the matter has been settled. The couple is young and they are of the view that, they cannot live together. Accordingly, they decided to take divorce by mutual consent and sever matrimonial ties, in consideration of the husband paying of Rs.10,00,000/- (Rs. Ten Lakhs Only). In accordance with settlement, the petition for divorce

bearing Petition No.F-120/2023 has already been filed in the Family Court incorporating the terms of settlement.

(6) Today, the informant wife is present before us, who is identified by her Advocate. On our query, the informant stated about settlement and receipt of partial amount as agreed towards settlement. The informant has no objection to quash the proceedings on account of mutual settlement.

(7) The offence is of a domestic nature which cannot be termed as heinous or antisocial. The informant has also filed an affidavit in support of her no objection. Taking overall view of the matter, we deem it fit to invoke our inherent powers.

(8) In view of that, both applications are allowed. We hereby quash and set aside the FIR in Crime No.823/2022 registered with Police Station Buldana City, District – Buldana, for the offence punishable under Sections 143, 323, 498-A, 504 and 506 of the Indian Penal Code.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity