



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

CRIMINAL APPLICATION (APL) NO.1617/2023

1. Dhiraj S/o Mahadev Bochara,
age 30 Yrs., Occ. Service.
2. Mahadeo S/o Sukhdev Bochara,
age 65 Yrs., Occ. Agriculturist.
3. Sau. Chaya Mahadev Bochara,
age 60 Yrs., Occ. Household.

Nos.1 to 3 R/o at Post Sehlud,
Tq. Chikhli, Distt. Buldana.

4. Ashish S/o Baliram Nimkarde,
age 40 Yrs., Occ. Service.
5. Sau Megha @ Shilpa Ashish Nimkarde,
age 35 Yrs., Occ. Household.

Nos.4 and 5 R/o Ashthi,
Dist. Amravati.

... Applicants

- Versus -

1. State of Maharashtra,
through P.S.O., P.S. Buldana City,
Distt. Buldana.
2. Sau. Arti Dhiraj Bochara,
age 25 Yrs., Occ. Household,
R/o C/o Sudhakar Rambhau,
Dhande Layout, Buldana,

Tq. and Distt. Buldana.

... Non-applicants

Mr. A.J. Thakkar, Counsel for the Applicants.

Mr. A.M. Chutke, A.P.P. for Non-applicant No.1.

Mr. V.D. Ruparelia, Counsel for Non-applicant No.2.

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

DATED : 2.5.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

The applicants' learned Counsel seeks leave to amend the petition as chargesheet has been filed. Leave granted as prayed for. Amendment be carried out forthwith.

2. Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

3. This is an application seeking to quash criminal prosecution namely R.C.C. No.296/2023 arising out of Crime No.0536/2023 registered by non-applicant No.1 for the offence

punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code on account of settlement.

4. The informant got married with applicant No.1 on 5.7.2022 and resumed cohabitation. Facing matrimonial cruelty she has lodged the report on the basis of which crime is registered and chargesheet is filed.

5. In the meantime the matter is settled between the parties. They have decided to take divorce by mutual consent and to put up an end to the criminal prosecution. The informant has filed reply-cum-affidavit stating about settlement and her no objection to quash the proceedings.

6. The informant has appeared and identified before us by learned Counsel appearing on her behalf. She has stated about settlement and her no objection to quash the proceedings. In pursuance of settlement both husband and wife have jointly

applied to the Family Court, Buldhana for divorce by mutual consent. Copy of divorce petition is produced on record. The husband has agreed to pay total sum of Rs.4,25,000/- towards one time maintenance, Rs.1,00,000/- has already been paid and the rest is agreed to be paid at the time of divorce. Since the matter is settled there is no purpose in continuation of trial.

7. In view of the above, application is allowed.

We hereby quash and set aside the criminal prosecution namely R.C.C. No.296/2023 arising out of Crime No.0536/2023 registered by non-applicant No.1 for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)