



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

CRIMINAL APPLICATION (APL) NO. 233 OF 2024

1. Mr. Swapnil s/o. Shivaji Rathod,
Age 31 yrs, Occ. Business,
R/o. At Post Bibi, Tah and Dist Buldhana

2. Mr. Shivaji s/o. Dagdu Rathod,
Age 57 yrs, Occ. Retired,
R/o. At Post Bibi, Tah and Dist Buldhana

3. Sau. Chhaya w/o Shivaji Rathod,
Aged 49 yrs, Occ. Housewife,
R/o. At Post Bibi, Tah and Dist Buldhana

4. Mrs. Pallavi w/o. Amol Ade,
Aged 29 yrs, Occ. Housewife,
R/o. Arni, Tah. Arni, Dist Yavatmal

5. Mr. Amol Prakash Ade,
Aged 31 yrs, Occ. Service,
R/o. Arni, Tah Arni, Dist.Yavatmal

6. Mr. Dilip s/o. Dagdu Rathod,
Aged 42 yrs, Occ. Student,
R/o. Vasant Vihar (N.V.) Buldhana,

7. Soham s/o Dilip Rathod,
Aged 16 yrs, Occ. Student,
R/o. At Post Bibi, Tah and Dist Buldhana
minor, through natural guardian
applicant No. 6.

8. Mr. Dhanshing s/o Udaysingh Pawar,
Aged 80 yrs, Occ. Nil,
R/o. Kingaon Jattu Road, Bibi,
Tah. Buldhana, Dist Buldhana

9. Sau. Saraswati w/o Dhanshing Pawar,
Age 70 yrs, Occ. Household,
R/o. Kingaon Jattu Road, Bibi,

Tah. Buldhana, Dist. Buldhana

10. Mr. Dashrath s/o. Tryambak Rathod,
Aged 50 yrs, Occ. Service,
R/o. Shingne Nagar, Ward No.12,
Deulgaon Raja, Buldhana

11. Sau. Sharda w/o Dashrath Rathod,
Aged 45 yrs, Occ. Housewife,
R/o. Shingne Nagar, Ward No.12,
Deulgaon Raja, Buldhana

12. Sau Durga w/o Govind Rathod,
Aged 51 yrs, Occ. Housewife,
R/o Shikshak Colony, Dongaon Road,
Ward No. 5, Mehkar, Buldhana

..... APPLICANTS

...V E R S U S...

1. The State of Maharashtra,
through a Police Station Officer,
Police Station Bibi, District Buldhana

2. Sau. Neha w/o Swapnil Rathod,
Aged about 20 yrs, Occ. Housewife,
R/o. Khalegaon, Tal. Lonar,
District Buldhana.

.....NON-APPLICANTS

Mr. P.J. Mehta, Advocate for applicants.
Mr. A.V. Palshikar, APP for non-applicant No.1/State.
Mr. G.C. Khond, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 28.11.2024

JUDGMENT (Per : Abhay J. Mantri, J.)

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

2. The applicants have invoked the inherent jurisdiction of this Court under Section 482 of the Criminal Procedure Code (for short-“*the Code*”) to quash the First Information Report (“*FIR*”, -for short) bearing Crime No. 211/2023, registered with Bibi Police Station, District Buldhana, for the offences punishable under Sections 498-A, 323, 506 read with Section 34 of the Indian Penal Code (“*IPC*”, - for short).

3. Mr. Mehta, the learned Counsel for the applicants and Mr. Khond, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties. Therefore, non-applicant No. 2/original complainant does not want to proceed with the prosecution. Accordingly, applicant No. 1, the husband, and non-applicant No. 2, the Complainant, submitted affidavits stating that the matter has been amicably settled between them.

4. In brief, the facts are that the marriage of applicant No. 1 with non-applicant No. 2 was solemnized on 10.05.2023 as per rites and rituals prevailing in their community. Applicant Nos. 2 to 12 are

in-laws of non-applicant No. 2. On account of matrimonial discord, on 08.12.2023, non-applicant No. 2 lodged a report against the applicants with Bibi Police Station alleging that the applicants subjected her to cruelty on account of the demand for dowry. Based on the complaint, offences punishable under Section 498-A, 323, and 506 r/w Section 34 of the IPC came to be registered vide Crime No. 211/2023.

5. Being aggrieved by the registration of FIR, applicants filed this application to quash and set aside the FIR since the allegations made do not constitute the commission of any of the offences.

6. During the pendency of the application, the matter has been amicably settled between the parties. Accordingly, applicant No. 1 and non-applicant No. 2 have filed affidavits stating that the matter has been settled between them. Applicant No. 1 and non-applicant No. 2 have filed a petition under Section 13-B of the Hindu Marriage Act, 1955, seeking divorce by mutual consent before the learned Civil Judge Sr. Division, Mehkar.

7. Applicants No. 1 and Non-applicant No. 2, along with her father, are present before us, and their respective counsel identifies them. Both have admitted the terms and conditions mentioned in their respective affidavits. Non-applicant No. 2 and her father submitted that Non-applicant No.2 does not want to proceed further with the complaint and voluntarily gave no objection to quashing the FIR.

8. The affidavits state that applicant No. 1 agreed to pay Rs. 14,00,000/- to non-applicant No. 2 towards permanent alimony and a lumpsum settlement amount in divorce proceedings pending before the Civil Judge Sr. Division, Mehkar, and that non-applicant No. 2 is ready to withdraw the domestic violence proceedings.

9. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 agreed to the terms and conditions mentioned in the affidavits and gave no objection to quashing FIR. Moreover, the nature of the offences is neither heinous nor anti-social, but the same arises out of the marital dispute. Therefore, in our view, there is no reason to continue with the prosecution.

10. In the wake of the above, it would be proper to allow the application as per the conditions mentioned in the affidavit, as it would not cause prejudice to any of the parties.

11. In the background above, we are satisfied that the case is made out to exercise our inherent powers to secure the ends of justice and to prevent abuse of the process of the law. Hence, we pass the following order:

(i) The Criminal Application is allowed.

(ii) We hereby quash and set aside FIR registered vide Crime bearing No. 211/2023, registered with Bibi Police Station, District Buldhana, for the offence punishable under Sections *498-A, 323, 506 read with Section 34* of the Indian Penal Code

(iii) The application stands disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)