



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

CRIMINAL APPLICATION (APL) NO. 326 OF 2024

1. Devashish s/o Suresh Misal,
Aged 29 yrs, Occ. Service,
R/o Smurti Nagar, Nanak Shilp
second railway crossing Koradi
Road, Plot No. 51,
Nagpur Koradi. Nagpur 441 111

2. Suresh s/o Marotrao Misal,
Aged 55 yrs, Occ. Business,
R/o Smurti Nagar, Nanak Shilp
Second railway crossing Koradi
Road, Plot No. 51,
Nagpur Koradi. Nagpur 441 111

3. Sau Seema Suresh Misal,
Aged 54 yrs, occ. Housewife,
R/o Smurti Nagar, Nanak Shilp
Second railway crossing Koradi
Road, Plot No. 51,
Nagpur Koradi. Nagpur 441 111

..... **APPLICANTS**

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

1. State of Maharashtra,
through Police Station Officer,
Ramnagar, Wardha,
District Wardha

2. Sau Venus w/o Devashish Misal,
Aged 26 yrs, Occ. Service,
R/o C/o Haridas Tupate,
Near Dhuniwale Math, Kathane Layout,
Wardha Tah District Wardha

.....**NON-APPLICANTS**

Mr. A Gabhane, Advocate for applicants.
Mrs. S.S. Jachak, APP for non-applicant No.1/State.
Mr. S. Katkar, Advocate for non-applicant No.2.

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

DATE : 11.12.2024

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. 764/2023, registered with Ramnagar Police Station, Wardha, for the offences punishable under Section *498-A read with Section 34* of the Indian Penal Code (for short-"*IPC*",)

3. Mr. Gabhane, the learned Counsel for the applicants and Mr. Katkar, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties. Accordingly, non-applicant / respondent No. 2 has filed an affidavit stating that she has no objection to quashing the FIR.

4. In brief, the facts are that the marriage of applicant No. 1 with non-applicant No. 2 was solemnized on 26.02.2023 as per the rites and customs prevailing in their community. Applicant Nos. 2 and 3 are parents-in-law of non-applicant No. 2. On account of matrimonial discord, on 05.09.2023, non-applicant No. 2 lodged a report against the applicants with Ramnagar 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 r/w 34 of the IPC* came to be registered vide Crime No. 764/2023.

5. Being aggrieved by the registration of FIR, the applicants have filed this application for quashing the FIR since the allegations made do not constitute the commission of an offence against them. During the pendency of the application, the matter has been settled between the parties. Accordingly, applicant No. 1 and non-applicant No. 2 had filed a petition for dissolution of marriage by mutual consent before the Family Court. As per the settlement, applicant No. 1 has agreed to pay one-time maintenance of Rs. 3,00,000/- to non-applicant No. 2 by demand drafts, and accordingly, he has paid the said amount to non-applicant No. 2 before the Family Court. It is

also agreed that both shall withdraw the pending cases before the concerned court. Pursuant to the settlement, non-applicant No. 2 has filed an affidavit stating that the matrimonial disputes between her and the applicants have been amicably settled. It is further stated that she and applicant No. 1 have filed a petition for dissolution of marriage by mutual consent. Therefore, she does not wish to continue with the prosecution in Crime No. 764/2023 and has given no objection to quashing the same. The parties have also produced a copy of the divorce petition filed before the Family Court by mutual consent.

6. Applicant No. 1 and non-applicant No. 2 were present before us, and their respective counsel identified them. They have reiterated the contents of a settlement agreement. Non-applicant No.2 submitted that applicant No. 1 has agreed to pay her one-time maintenance of Rs. 3,00,000/- by demand drafts. Accordingly, he paid the said amount to her before the Family Court. It was further agreed that both should withdraw all the pending cases from the respective court. She also admits that she does not want to proceed with the proceedings and voluntarily accorded no objection to quash the said FIR.

7. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 also received permanent alimony and gave no objection to quashing FIR. Moreover, the nature of the offence 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.

8. In the wake of the above, it would be proper to allow the application in terms of the settlement as it would not cause prejudice to any of the parties.

9. 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 No. 764/2023, registered with Ramnagar Police Station, Wardha, for the offences punishable under Section 498-A 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.)