



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

CRIMINAL APPLICATION (APL) NO. 582 OF 2024

1. Pankaj s/o Vishnuji Gawande,
Aged about 30 yrs, Occ. Labour,

2. Vishnu Kondu Gawande,
Aged about 61 yrs, Occ. Labour,

3. Smt Vandana Vishnu Gawande,
Aged about 54 yrs, Occ. Labour,

All 1,2,3 R/o. Tejapur, Post Adegaon,
Tah. Wani, District Yavatmal

..... **APPLICANTS**

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

1. The State of Maharashtra,
through the Inspector of Police,
Police Station Mukutban,
Tah. Zari, District Yavatmal.

2. Smt Reshma Pankaj Gawande,
Age about 24 yrs, Occ. Household,
R/o. in the house of Madhav
Sabade, R/o0. Dorli,
Post Kurai, Tah. Wani,
District Yavatmal 4475307

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

Mr. S.D. Malke, Advocate for applicants.
Mr. V.A. Thakare, APP for non-applicant No.1/State.
Mr. D.P. Mankar, Advocate for non-applicant No.2.

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

DATE : 10.12.2024

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. By this application, the applicants seek to quash FIR bearing Crime No. 191/2023 registered with Mukutban Police Station for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code (for short -“*IPC*”) and the criminal proceeding arising thereof bearing Regular Criminal Case No. 119/2023,

3. Mr. Malke, the learned Counsel for the applicants, and Mr. Mankar, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties to which applicant No.1 and non-applicant No. 2 have filed joint compromise pursis and a copy of divorce petition filed by them under Section 13(B) of the Hindu Marriage Act. In the pursis, non-applicant No. 2 has stated that she does not want to proceed with the prosecution against applicants and has given no objection to quash FIR No. 191/2023 and proceedings bearing R. C. C. No. 119/2023.

4. In short, the facts are that the marriage of applicant No. 1 with non-applicant No. 2 was solemnized on 13.05.2022 as per rites and rituals prevailing in their community. Applicant Nos. 2 and 3 are parents-in-law of non-applicant No. 2. On account of matrimonial discord on 13.08.2023, non-applicant No. 2 lodged a report against applicants with Mukutban Police Station alleging that the applicants subjected her to cruelty on account of the demand for dowry. Based on the complaint, the offences punishable under Section 498-A r/w Section 34 of the IPC came to be registered vide FIR No. 191/2023.

5. Being aggrieved by the registration of FIR and filing of the Charge Sheet, applicants filled this application to quash and set aside the same since the allegations made therein do not constitute the commission of any of the offences.

6. Perusal of the record shows that during the pendency of the application, the dispute has been redressed amicably between the applicants and the non-applicant No.2. Applicant No. 1 and the non-applicant No. 2 have filed Divorce Petition and Joint compromise pursis in that regard.

7. Today, the applicants and the non-applicant No. 2, along with her father, are present before the Court, and their respective counsel has identified them. Applicant No.1 and non-applicant No. 2 have reiterated the contents of the Pursis and the divorce petition filed under Section 13(B) of the Hindu Marriage Act. Non-applicant No. 2 further submits that she has received Rs. 2,75,000/- from applicant No. 1 towards one-time maintenance /permanent alimony. They further submit that they have agreed to withdraw all the cases pending between them. Non-applicant No. 2 further submits that since a compromise took place between herself and the applicants, she does not want to proceed with the pending cases, including this FIR and Charge Sheet. Therefore, she has voluntarily given no objection to quashing the FIR bearing Crime No. 191/23 and the criminal proceeding bearing RCC No. 119/2023.

8. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 also received Rs. 2,75,000/- towards permanent alimony from applicant No. 1 and gave no objection to quashing the FIR and Charge Sheet. *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.

9. 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.

10. 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 bearing Crime No. 191/2023 registered with Mukutban Police Station for the offence punishable under Section *498-A read with Section 34* of the Indian Penal Code and criminal proceedings arising out of said FIR, bearing Regular Criminal Case No. 119/2023.

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

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)