



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

CRIMINAL APPLICATION (APL) NO. 833 OF 2024

1. Kartik s/o Sunilrao Bokilwar,
Aged about 32 yrs, occ. Service,
R/o Akhada Ward, Tilak Ward,
Pancharkawada,
Tah. Pandharkawada, Dist. Yavatmal

2. Sunil s/o Balajipant Bokilwar,
Aged about 67 yrs, Occ. Business,
R/o Akhada Ward, Tilak Ward,
Pancharkawada,
Tah. Pandharkawada, Dist. Yavatmal

3. Sau Chanda w/o Sunilrao Bokilwar,
Aged about 64 yrs, Occ. Household,
R/o Akhada Ward, Tilak Ward,
Pancharkawada,
Tah. Pandharkawada, Dist. Yavatmal

4. Swapnil s/o Sunilrao Bokilwar,
Aged about 38 yrs, Occ. Business,
R/o Akhada Ward, Tilak Ward,
Pancharkawada,
Tah. Pandharkawada, Dist. Yavatmal

5. Sau Priyanka w/o Swapnil Bokilwar,
Aged about 32 yrs, Occ. Household,
R/o Akhada Ward, Tilak Ward,
Pancharkawada,
Tah. Pandharkawada, Dist. Yavatmal

6. Sau Sharayu w/o Rajesh Palikndwar,
Aged about 41 yrs, Occ. Household,
R/o Palikondwar Lay Out,
Medicare Hospital, Pusad,
Tah. Pusad Dist Yavatmal

7. Rajesh s/o Vilasrao Palikondwar,
Aged about 45 yrs, Occ. Business,
R/o Palikindwar Layout, Medicare
Hospital, Pusad,
Tah. Pusad, District Yavatmal

..... **APPLICANTS**

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

1. The State of Maharashtra,
through Police Officer, Police Station
Pusad City, Pusad, Dist Yavatmal

2. Sau. Vaishnai w/o Kartik Bokilwar,
Aged about 28 yrs, Occ. Household,
R/o c/o Subhashrao Madhaorao Kautikwar,
R/o Dyaneshwar Nagar, Dubewar Layout,
Pusad, Tah. Pusad, Dist. Yavatmal

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

Mr. S.Y. Deopujari, Advocate for applicants.
Mr. I.J. Damle, APP for non-applicant No.1/State.
Mr. P.S. Chawhan, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 18.12.2024

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 to quash the First Information Report (“*FIR*”, -for short) bearing Crime No. 128/2024, registered with Pusad City Police Station, Pusad, for

the offences punishable under Sections *294, 498-A, 506 read with 34* of the Indian Penal Code (“*IPC*”, - for short).

3. Mr. Deopujari, the learned Counsel for the applicants, and Mr. Chawhan, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties before the learned Mediator. The Mediator has also submitted the report through the coordinator, Mediation Centre, High Court, Nagpur. Accordingly, both have submitted that the application be disposed of in view of the settlement agreement.

4. In short, the facts are that the marriage of applicant No. 1 with non-applicant No. 2 was solemnized on 13.07.2021 as per rites and rituals prevailing in their community. Applicant Nos. 2 to 7 are the in-laws of non-applicant No. 2. On account of matrimonial discord on 11.03.2024, non-applicant No. 2 lodged a report against applicants with Pusad City Police Station alleging that the applicants subjected her to cruelty on account of the demand for dowry. Based on the complaint, offences punishable under Sections *294, 498-A, and 506 read with 34* of the Indian Penal Code came to be registered against the applicants vide FIR No. 128/2024.

5. Being aggrieved by the registration of FIR, applicants filled 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, by order dated 24.09.2024, the matter was referred for mediation to learned mediator Mr. S.V. Purohit. Accordingly, the matter has been amicably settled between the parties. The mediator has submitted a report along with a settlement agreement in the court. As per the agreement, applicant No. 1 has agreed to pay the amount of Rs. 8,00,000/- towards a full and final settlement of the future maintenance/permanent alimony to non-applicant No.2. Applicant No.1 has agreed to pay the said amount before the learned Civil Judge Senior Division, Pandharkawada where the proceeding for mutual divorce has been pending. Pursuant to the said agreement, non-applicant No. 2 had withdrawn the maintenance proceedings filed against applicant No. 1.

7. Today, applicant No. 1 and non-applicant No. 2, along with her sister, are present before the Court and are identified by

their respective counsel. They have reiterated the terms and conditions mentioned in the agreement and their signatures on the same. They have admitted the terms and conditions of the settlement agreement, which was prepared before the learned mediator. Non-applicant No. 2 submitted that as per the agreement, applicant No. 1 would pay the amount of Rs. 8,00,000/- to her before the learned Civil Judge Senior Division, Pandharkawada. Therefore, she does not want to proceed with the proceedings and voluntarily accorded no objection to quash the instant FIR.

8. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 gave no objection to quashing the 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.

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 the First Information Report bearing No. 128/2024, registered with Pusad (City) Police Station, Pusad, against the applicants for offences punishable under Sections 294, 498-A, and 506 of the IPC.

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

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)