



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 857 OF 2024

1.	Bagish Bhanudas Shinde, Age 46 years, Occjup.Medical R/o Maltan, Karjat, Taluka Karjat, District Ahmednagar, Maharashtra,	
2.	Bhausahab Bhanudas Shinde, Age 43 years, Occup. Farming R/o Maltan, Karjat, Taluka, Karjat, District Ahmednagar, Maharashtra.	
3	Vaishali Bhausahab Shinde, Age 39 years, Occup..House Hold R/o Maltan, Karjat, Taluka Karjat, District Ahmednagar, Maharashtra.	
4	Janabai Bhanudas Shinde, Age 70 years, Occup.Nil, R/o Maltan, Karjat Taluka, Karjat.District Ahmednagar, Maharashtra,	
5.	Shivani Amar Kharat, Age 24 years, Occjup.Housewife R/o Maltan, Karjat, Taluka Karjat, District Ahmednagar, Maharashtra.	
6.	Bhanudas Lobhaji Shinde, Age 73 years, Occup.Nil R/o Maltan, Karjat, Taluka, Karjata, District Ahmednagar, Maharashtra.	Applicants.
	-Versus-	
1.	State of Maharashtra, Through its Police Station Officer, Police Station, Pandharkawada, District Yavatmal, Maharashtra.	
2.	Priti Bagish Shinde, Age 34 years, Occup.Daily Wage R/o C/o Vaibhav Nagar, Pandharkawada, Taluka, Kelapur. District Yavatmal, Maharashtra.	Non-applicants.

Mr.S.M.Lodha, Adv. for the applicants.
Mr.Anup Badar, APP for the non-applicant State.
Mr.D.M.Ailani, Adv. for non applicant No.2.

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

DATE : 13th AUGUST, 2024

ORAL JUDGMENT (Per : Vinay Joshi, J.)

- (1) Heard.
- (2) **Admit.** The Criminal Application is heard finally with the consent of the learned counsel for the parties.
- (3) This is an application seeking to quash the Criminal Proceedings bearing RCC No.392 of 2021 arising out of First Information Report No. 886 of 2021 registered with Police Station Pandharkawada, for the offence punishable under Section 498-A r/w 34 of the Indian Penal Code on account of settlement.
- (4) The informant got married with applicant no.1 on 07.01.2016 and thereafter, she started to cohabit with the applicants. The couple have one issue from the marriage. After

few days from the marriage informant was subjected to harassment on various grounds. Finally in the year 2020, the informant left the matrimonial house as the things became unbearable and then lodged the report. The police have carried out investigation and filed the charge-sheet. It is informed that yet trial court has not framed charges.

- (5) The informant has filed an application under Section 12 of the Domestic Violence Act as well as the petition for restitution in the competent Court of Kelapur, district Yavatmal. With the aid of intervention of relatives, both have decided to settle the matrimonial dispute. It was found that their marriage would not worth and thus consciously, they decided to sever the matrimonial ties. The husband has agreed to pay sum of Rs.9,50,000/- towards one time maintenance. In pursuance of settlement, both have jointly applied to the competent court for decree of divorce by mutual consent. In the said proceedings, the husband has deposited the entire sum of Rs.9,50,000/-, which the wife has to withdraw after disposal of divorce petition. As a part of settlement it was agreed that wife shall withdraw all proceedings. She has already

withdrawn the application filed under the D.V.Act and filed an reply-cum-affidavit in this petition stating about settlement and her no objection to quash the proceedings. The informant wife is resident of Pandharkawada having a small child. She has appeared before us through V.C from a private cafe at Pandharkawada. However, today audio could not connected. The informant's learned counsel is present before us, who has stated that he has affirmed the contents of settlement from the informant in person and endorsed her no objection. The informant's learned counsel also admits that some of Rs. 9,50,000/- has been deposited in the concerned court.

(6) Since, the matrimonial dispute has been settled amicably, the continuation of the prosecution amounts to abuse of the process of the court.

(7) In view of above, the application is allowed. We, hereby quash and set aside Criminal Proceedings bearing RCC No.392 of 2021 arising out of First Information Report No.886 of 2021 registered with Police Station Pandharkawada, for the offence punishable under Section 498-A r/w 34 of the Indian Penal Code.

(8) Criminal application stands disposed of.

(VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)