



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

CRIMINAL APPLICATION (APL) NO.1045/2024

1. Sandeep s/o Gaurishankar
Bhautmange, Aged about 37 yrs,
Occ. Service,
2. Gaurishankar s/o Laxman
Bhautmange, Aged about 64 years,
Occ. Retire
3. Ranjana @ Priya w/o Gaurishankar
Bhautmange, Aged about, 60 years,
Occ. Household,

Sr. No.1 to 3 R/o. Agase Nagar
lay-out, Station Road, Tirora,
Tah. Tirora, Dist. Gondia.
4. Pallavi w/o Rahul Pundge,
Aged about 34 years, Occ. Household
5. Rahul s/o Yashwant Pundge,
Aged about 37 years, Occ. Private,
Sr. No.4 and 5 R/o Siddharth Nagar
Purna, Tah. Purna, dist. Parbhani.
6. Manish s/o Gaurishankar
Bhautmange, aged about 39 years,

Occ. Private, R/o. Agase Nagar
Layout, Station Road, Tirora,
Tah. Tirora, Dist. Gondia.

....APPLICANTS

...VERSUS...

1. State of Maharashtra
Through P.S.O., P.S. Beltarodi, Nagpur
2. Ashwinin w/o Sandeep Bhautmange,
Aged bout 33 yrs., Occ. Household,
R/o C/o Yogeshwar Mate, Welcome
Society, Near Park, Behind
Pandurang Hall, Godhani Road
Zingabai Takli, Nagpur

...NON-APPLICANTS

Shri A.M. Gedam, Advocate for applicants
Shri A.B. Badar, APP for non-applicant No.1/State
Shri S.M. Dangre, Advocate for non-applicant No.2

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

DATED: 09/08/2024

ORAL JUDGMENT (PER : VINAY JOSHI, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by
consent of learned Counsel for the respective parties.

3. This is an application seeking to quash the criminal proceeding in R.C.C. No.1423/2023 arising out of Crime No.170/2022 registered with Police Station Beltarodi, Nagpur for the offences punishable under Sections 498-A, 323, 506, 504, 312 and 313 of the Indian Penal Code, on account of mutual settlement.

4. The parties got married on 12/11/2021, of which the informant lady resumed to cohabit with her husband and in-laws. Within few days, both of them realised that they cannot live together due to differences. The informant was dissatisfied since she has been harassed on account of unlawful demands. Somehow she pulled on for hardly for 2 to 3 months and thereafter as things became unbearable, she left her matrimonial house. Later on, she has lodged the report on the basis of which, crime has been registered. After investigation, chargesheet has been filed. It is informed that the learned trial Court has not yet framed the

charges.

5. The couple is young having no issue from the marriage. They were in agreement that due to differences, they cannot live together. With the aid and advice of elder members of the family, they decided to settle the matter amicably. Both of them applied to the learned Family Court to convert the pending petition into the petition for divorce by mutual consent. Accordingly, they have filed terms of settlement in the Family Court of which copy is tendered. The informant has also filed an affidavit before us stating about settlement.

6. Today, informant is present, who is identified by her Counsel. It was agreed that the husband would pay total sum of Rs.5,00,000/- (Rupees Five Lakhs) towards one time maintenance and party would get divorce by mutual consent. The applicant No.1 husband undertakes to this Court that he will hand over demand draft of Rs.4,00,000/- and cash amount of Rs.1,00,00/- to the informant on or before 13/08/2024. We accept his statement

as an undertaking given to this Court.

7. Since it was a matrimonial dispute, which is resolved mutually, continuation of prosecution is an exercise in futility. In the circumstances, application is allowed.

8. We hereby quash and set aside the criminal proceedings in in R.C.C. No.1423/2023 arising out of Crime No.170/2022 registered with Police Station Beltarodi, Nagpur for the offences punishable under Sections 498-A, 323, 506, 504, 312 and 313 of the Indian Penal Code.

9. Rule is made absolute in above terms. No costs.

JUDGE

JUDGE

R.S. Sahare