



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

CRIMINAL APPLICATION (APL) NO. 1124 OF 2024

1. Nilesh Amol Bharadwaj,
Aged about 34 yrs, Occ. Labourer

2. Amol Bhaurao Bharadwaj,
Aged about 64 yrs, Occ. Retired,

3. Anupama Amol Bharadwaj,
Aged 50 yrs, Occ Household,

4. Rushikesh Amol Bharadwaj,
Aged about 30 yrs, Occ. Labour,

All r/o. Plot 94, Ekdant Apartment,
2nd Floor, Shilpa Society
Near Mahendra Nagar, Nagpur
Tq. & Dist Nagpur

..... **APPLICANTS**

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

1. The State of Maharashtra,
through Police Officer, Police Station
Khamgaon City, Tq. Khamgaon
Dist. Buldhana

2. Akansha Nilesh Bharadwaj,
Aged about 30 yrs, Occ. Household,
R/o. 48 Shankutal, Shulka Nagar,
Nandura Road, Khamgaon,
Tq Khamgaon, Dist Buldhana

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

Mr. A.P. Thakare, Advocate for applicants.
Mr. A.M. Madiwale, APP for non-applicant No.1/State.
Mr. N.R. Kanungo, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 26.11.2024

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 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("*BNSS*"- for short) to quash the First Information Report ("*FIR*", -for short) bearing Crime No. 180/2024, registered with Ajani Police Station, Nagpur, for the offences punishable under Sections 498-A, 323, and 504 read with Section 34 of the Indian Penal Code ("*IPC*", - for short) and under Sections 3 and 4 of the Dowry Prohibition Act.

3. Mr. Thakare, the learned Counsel for the applicants, and Mr. Kanungo, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties before the learned mediator. Accordingly, they have submitted a settlement agreement and the Mediator's report. Both have also filed affidavits contending that the matter has been amicably settled between them.

4. In brief, the facts are that the marriage of applicant No. 1 with non-applicant No. 2 was solemnized on 17.04.2022 as per rites and rituals prevailing in their community. Applicant Nos. 2 and 3 are parents-in-law, and Applicant No. 4 is the brother-in-law of non-applicant No. 2. On account of matrimonial discord on 17.10.2023, non-applicant No. 2 lodged a report against applicants with Khamgaon 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 498-A, 323, 504 and 506 r/w Section 34 of the IPC came to be registered vide FIR No. 563/2023.

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 01.10.2024, the matter was referred for mediation to learned mediator Ms. Sonal Saware. Accordingly, the matter has been amicably settled between the parties. The mediator has submitted a

report along with a settlement agreement with the court. As per the agreement, applicant No. 1 has agreed to pay a total of Rs. 7,00,000/- towards permanent alimony, out of which Rs. 3,00,000/- agree to be paid at the time of quashing of FIR and the remaining Rs. 4,00,000/- before the Family Court in divorce proceedings. Pursuant to the said agreement, non-applicant NO. 2 agreed to withdraw the proceedings under the Domestic Violence Act filed before Chief Judicial Magistrate, Khamgaon and agreed to withdraw the criminal case filed under Section 156(3) of the Criminal Procedure Code against the applicants for an offence punishable under Section 420 r/w Section 34 of the I. P. C. vide Misc. Application No. 118/2024. *Also*, she agreed to withdraw the maintenance proceedings bearing No. E 466/2023.

7. Today, applicant No. 1 and non-applicant No. 2 are present before the Court, reiterating the terms and conditions mentioned in the agreement and signing the same. Non-applicant No. 2 further submitted that she has received a demand draft of Rs. 3,00,000/- today. She also submitted that she does not want to proceed further with the proceedings and voluntarily accorded no objection to quash the FIR.

8. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 also received part of the permanent alimony and 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 FIR registered in Crime No. 563/2023, with Khamgaon Police Station, Khamgaon, for the offences punishable under Sections 498-A, 323, 504, 506 r/w Section 34 of the I. P. C. and under Sections 3 and 4 of the Dowry Prohibition Act.

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

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

R. Belkhede,