



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

CRIMINAL APPLICATION (APL) NO. 1567 OF 2024

1. Darshan s/o Rameshwar Sarode,
Aged about 32 yrs, Occ. Senior Clerk,
R/o. Plot No. 67, Ramkrishna Nagar,
Dighori, Umred Road, Nagpur

2. Sangita w/o Rameshwar Sarode,
Aged about 54 yrs, Occ. Housewife,
R/o. Plot No. 67, Ramkrishna Nagar,
Dighori, Umred Road, Nagpur

3. Priyanka d/o Rameshwar Sarode,
Aged about 27 yrs, Occ. Private,
R/o. Plot No. 67, Ramkrishna Nagar,
Dighori, Umred Road, Nagpur

..... **APPLICANTS**

...VERSUS...

1. State of Maharashtra,
through Police Station Officer,
Shanti Nagar, Nagpur.

2. Pallavi w/o Darshan Sarode,
Aged about , Occ. Private,
R/o Plot No. 72, Jain Mandir,
Shanti Nagar, Nagpur

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

Mr. Chintan Tamhane, Advocate for applicants.
Mr. N.H. Joshi, APP for non-applicant No.1/State.
Mr. S.S. Dewani, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 25.11.2024.

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 Bhartiy Nagrik Nyay Sanhita to quash the First Information Report (for short-“*FIR*”) bearing Crime No. 54/2023, registered with Shanti Nagar Police Station, Nagpur, for the offences punishable under Sections *498-A, 323, 504 read with Section 34* of the Indian Penal Code (for short-“*IPC*”), and under Section 3 of the Protection of Women from Domestic Violence Act, 2005. (for short- “*the D.V Act*”)

3. Mr. Tamhane, the learned Counsel for the applicants and Mr. Dewani, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between them by the intervention of the learned Mediator. Therefore, non-applicant No. 2/original complainant does not want to proceed further with the prosecution. Accordingly, non-applicant No. 2 Pallavi, the wife, submitted her affidavit stating 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 06.06.2021 as per the Hindu rites and customs prevailing in their community. Applicant Nos. 2 and 3 are the mother-in-law and sister-in-law of non-applicant No. 2. On account of matrimonial discord, on 27.02.2023, non-applicant No. 2 lodged a report against the applicants with Shanti Nagar 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, and 504 read with Section 34* of the IPC and under Section 3 of the D.V. Act came to be registered vide Crime No. 54/2023.

5. Being aggrieved by the registration of FIR, the applicants have filed this application for quashing the FIR since the allegations made do not constitute the commission of an offence against them. During the pendency of the application, the dispute was redressed between the parties, with the intervention of the learned Mediator and the Counselor before the Family court. Pursuant to the same, applicant No. 1 and non-applicant No. 2 entered into the settlement agreement on 21.08.2024. As per the agreement, applicant No. 1 agreed to pay lumpsum amount of Rs. 15,00,000/- to non-applicant

No. 2 towards permanent alimony. In that context, applicant No. 1 has handed over a demand draft of Rs. 5,00,000/- to non-applicant No. 2 on 30.08.2024 and another demand draft of Rs. 5,00,000/- is handed over to her before this Court, and the remaining Rs. 5,00,000/- agreed to pay before the Family Court in Divorce proceedings. They further agreed to withdraw all the cases filed against each other before the respective courts. Pursuant to the said agreement, non-applicant N. 2 has filed an affidavit dated 25.11.2024 wherein she has reiterated the terms and conditions mentioned in the agreement.

6. Today, applicant No. 1 and non-applicant No. 2 are present before us, and their respective counsel identifies them. Both have reiterated the contents of the settlement agreement, and non-applicant No. 2 further acknowledges receipt of the demand draft for a total of Rs. 10,00,000/- and the third instalment of Rs. 5,00,000/- will be paid before the Family Court in the Divorce proceedings. She further submitted that she does not want to proceed with the FIR and proceedings arising out of it and voluntarily gave no objection to quash the said FIR and Charge Sheet.

7. 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 FIR. Moreover, the nature of the offence is neither heinous nor anti-social, but the same arises out of the Matrimonial dispute. Therefore, in our view, there is no reason to continue with the prosecution.

8. 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.

9. 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 vide Crime No. 54/2023, registered with Shanti Nagar Police Station, Nagpur, and Reg. Cri. Case bearing No. 2245/2023 arising out of it, pending before JMFC Court No. 5, Nagpur for the offences punishable under Sections

498-A, 323, 504 read with Section 34 of the IPC and Section 3 of the D.V. Act.

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

(iv) Application/s, if any, are pending stand disposed of.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede,