



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

CRIMINAL APPLICATION NO.1319 OF 2023

1. Shankar s/o Ushalu Adlawar, alias Adla Shankar aged about 65 years, occu. Labourer, R/o Sandeep Nagaran, Asifabad, House No.3/181, Tahsil and District Adilabad, Telangana.
2. Dhalalaxmi w/o Shankar Adlawar, alias Dhanalaxmi Adla aged about 56 years, Occu. Labourer, R/o Sandeep Nagaran, Asifabad, House No.3/181, Tahsil and District Adilabad, Telangana.
3. Dnyaneshwar s/o Konduji Yedlewar, aged about 47 years, Occu. Retired, r/o Swami Vivekanand Nagar Plot No. 48, Kalamna Post Uppalwadi, Nagpur.
4. Sanjana w/o Dnyaneshwar Yedlewar, aged about 42 years, Occu. Household, R/o Swami Vivekanand Nagar Plot No. 48, Kalamna Post Uppalwadi, Nagpur.
5. Shridhar s/o Nagaiah Chiliveri, aged about 40 years, Occ. Self employed, r/o Near Shiva Keshav Temple, Asifabad, Telangana.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police

Station Officer, Ballarshah, District
Chandrapur.

2. Aarti w/o Satish Edlawar, aged about
27 years, Occu. Service, R/o Near
Jeet Kirana Store of saibaba Ward,
Ballarshah, Chandrapur.

... NON-APPLICANT(S).

AND

CRIMINAL APPLICATION NO.353 OF 2025

1. Satish Adla s/o Shankar Adlawar, aged
about 37 years, R/o Sandeep Nagaran,
Asifabad, House No.3/181, Tahsil and
District Adilabad, Telangana.

... APPLICANT

VERSUS

1. State of Maharashtra, through Police
Station Officer, Ballarshah, District
Chandrapur.
2. Aarti w/o Satish Edlawar, aged about
28 years, Occu. Service, R/o Saibaba
Ward, Ballarshah, Chandrapur.

... NON-APPLICANT(S)

Ms. S. H. Bhatia, Advocate for the applicants.
Shri A.R. Chutake and Shri G.S. Umale, Addl. Public Prosecutor for the
State.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 04.04.2025.

JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **ADMIT.**

2. Both these applications are arising out of same crime number registered at the instance of non-applicant no.2. Hence, the matters are taken up together for final disposal by consent of the parties.

3. In the present case on the allegation of non-applicant no. 2 that she was ill-treated at the hands of the applicants, offences came to be registered bearing Crime No.1307 of 2022 at the Ballarshah Police Station, District Chandrapur for the offence punishable under Sections 498A read with Section 34 of the Indian Penal Code (IPC), and after investigation, charge-sheet has been filed bearing No.95/2023. The same is challenged by the present applicants by way of these applications under Sections 482 of the Code of Criminal Procedure.

4. The non-applicant no.2 put her appearance in the matter, and filed her affidavit on record dated 02.04.2025 stating that matrimonial dispute between her and applicants has been amicably

settled and she do not want to prosecute the present criminal proceedings against the applicants.

5. The Hon'ble Supreme Court in the case of ***B.S. Joshi and ors. vs. State of Haryana and anr. (2003) 4 SCC 675*** observed that in matrimonial dispute/offences, it is the duty of the Court to encourage genuine settlements. It is further held that, if for the purpose of securing the ends of justice, quashing of FIR became necessary, Section 320 would not be a bar to the exercise of power of quashing.

6. Considering the above said judgment, we have verified from the record the genuineness of the settlement. Furthermore confirmed from the applicants as well as non-applicant no. 2 who are present before the Court and identified by their respective Counsel, about the settlement arrived between them.

7. In view of the amicable settlement between the parties and as the offences are not anti-social or heinous, we are of the considered opinion that continuation of prosecution against the present applicants would be abuse of the process of Court. Hence, we are inclined to pass the following order :

ORDER

- (a) The Criminal Applications are allowed.
- (b) Charge-sheet bearing No.95 of 2023 dated 24.04.2023 arising out of First Information Report No.1307/2022 registered with the Ballarshah Police Station, District Chandrapur for the offence punishable under Sections 498A, 34 of the Indian Penal Code, is hereby quash and set aside.
8. The Criminal Applications stand disposed of accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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