



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

CRIMINAL APPLICATION (APL) NO.371 OF 2025

Omkar S/o Vitthal Bhutkar and others **.Vs.** State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr V.R. Borkar, Advocate for applicants.

Ms Shamsi Haider, A.P.P. for non-applicant/State.

Ms S.N. Tripathi, Advocate for non-applicant No.2.

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

DATE : 07/04/2025

1. Heard.
2. The learned counsel for the applicant seeks permission to amend the title clause.

Permission is granted.
3. Amendment be carried out forthwith.
4. Issue notice to the non-applicants, returnable forthwith.
5. The learned A.P.P. waives service of notice for the non-applicant No.1/State.
6. Ms. Tripathi, learned counsel waives service of notice for the non-applicant No.2.

7. In the present case, the non-applicant No. 2 alleged that, she was ill-treated at the hands of the applicants, and on that basis, an offence was registered as First Information Report (FIR) No. 209 of 2024 at Police Station Ballarshah, Dist. Chandrapur, under Section 498-A of the Indian Penal Code.

8. Today when matter is called out for hearing, it is stated that the non-applicant No. 2 and the applicants have settled their matrimonial dispute, and they have filed a mutual divorce proceeding in the Court of Civil Judge Senior Division, Chandrapur, bearing H.M.P. No. 154 of 2025. According to the said terms of mutual divorce, she had agreed to withdraw all the allegations levelled against the applicants. In support of her submission, affidavit dated 07.04.2025 is filed.

9. As per the law laid down by the Hon'ble Supreme Court of India in the case of *B.S. Joshi and others ..vs.. State of Haryana*, reported in (2003) 4 SCC 675, it is the duty of the Court that in matrimonial disputes, the parties should be encouraged to settle their dispute and in case the parties settled the matrimonial dispute, then the powers under Section 482 of the Code of Criminal Procedure, can be exercised.

Hence, considering the law laid down by the Hon'ble Supreme Court of India we have no hesitation to

quash and set aside the impugned FIR in view of amicable settlement between applicants and non-applicant No.2 in the present matter. Hence, we proceed to pass the following order :-

- (a) The criminal application is **allowed**.
- (b) The FIR No.0209 of 2024 dated 21.02.2024 registered with Police Station Ballarshah, Dist. Chandrapur, for the offence punishable under Section 498-A of the IPC against the applicants is hereby quashed and set aside.

No order as to costs.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)