



Judgment

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

CRIMINAL APPLICATION [APL] No. 1068 OF 2025.

1.Rohit s/o Joginderpal Vasdev, (Husband),
Aged 37 years, Occupation – Service,

2.Joginder Pal Ramlal Vasdev (Father-in-law)
Aged 70 years, Occupation – Nil,

3.Mohid Vasdev s/o Joginderpal (Brother-in-law)
Aged 43 years, Occupation – Service,

4.Priyanka w/o Mohit Vasdev (Sister-in-law)
Aged 39 years, Occupation – Household,

All applicants are residents of H.No.3599
Sector 23, Gurgaon, haryana – 122017. ...

APPLICANTS.

VERSUS

1.The State of Maharashtra,
through the Police Station Officer,
Giddikhadan Police Station ,
Nagpur.

2.Ankita w/o Rohit Vasdev (Wife)
Alias Ankita d/o Chandrakant Chachara,
Aged 32 years, Occupation – Household,
resident of H.No.20, Ground Floor,

Rgd.

Friends Colony, Katol Road,
Nagpur - 440013.

... NON-APPLICANTS.

Mr. G.D. Dani, Advocate for the Applicants.
Ms S.S. Jachak, A.P.P. for Non-applicant No.1.
Ms Saloni Sood, Advocate for Non-applicant No.2.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ

DATE : JULY 29, 2025.

ORAL JUDGMENT (Per M.M. Nerlikar, J.) :

Heard. Rule. Rule is made returnable forthwith, and by consent of learned Counsel present for the parties, the matter is taken up for final disposal.

2. This Criminal Application is filed by the applicants seeking quashing of the first information report No.313/2021 registered with Gittikhadan Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and R.C.C. No.113/2022 pending on the file of Judicial

Magistrate First Class, Nagpur.

3. The above first information report was registered at the behest of non-applicant no.2 against her in-laws. It is the case of the non-applicant no.2 - wife that she is legally wedded wife of applicant no.1. Applicant no.2 is her father-in-law, applicant no.3 is brother-in-law while applicant no.4 is her sister-in-law. The marriage between applicant no.1 and non-applicant no.2 was solemnised on 08.06.2018 before the Marriage Registrar, Nagpur. The couple did not have any issue from the said wedlock. It is the case of the informant that after some time, difference arose between her and applicant no.1. It is further alleged that there was demand of Rs.25 lakhs by the applicant no.1. It is further alleged that from time to time all the applicants started ill-treating and harassing her, and as there was continuous ill-treatment and harassment by her in-laws, she filed the aforesaid first information report. After investigation, charge sheet came to be filed, which is registered as R.C.C.No.113/2022 and the same is pending before the learned Magistrate at Nagpur.

Rgd.

4. The learned Counsel appearing for applicants submits that the present application is filed seeking quashing of the said first information report, as well as the criminal proceeding on the basis of settlement arrived at between the parties. It is stated that due to effective and active mediation of the elders, the parties have decided to amicably settle their disputes so as to avoid bitterness and enable them to proceed further in their life. It is further submitted that all the disputes pertaining to divorce proceeding, domestic violence etc., are settled and necessary orders are passed in those proceedings by the Competent Court.

5. The learned Counsel appearing for the informant/wife conceded to the said fact by submitting that parties have settled their disputes and the non-applicant/wife has no objection for quashing of the first information report and the criminal proceeding.

6. The applicant no.1 and non-applicant no.2 are personally present before the Court. They are identified by their respective Counsel. In order to satisfy ourselves as to whether the settlement is

genuine or not, we have interacted with the informant/wife, who in clear term has stated that she has no objection for quashing of the first information report and the criminal proceedings arising therefrom. She has further stated that the matter is settled between the parties and applicant no.1 has paid her an amount of Rs.18 lakhs.

7. We have considered the submissions canvassed by the parties, gone through the contents of the application, allegations made in the first information report and relevant documents annexed with the application. It can be gathered from the record that the first information report in question was lodged by the non-applicant no.2 on 01.05.2021 and after investigation, charge sheet was filed on 04.01.2022, which came to be registered as R.C.C.No.113/2022. Further a petition No.A-507/2021 under Section 27[1][d] of the Special Marriage Act was filed for divorce, in which terms of settlement was filed before the concerned Family Court and accordingly by judgment and order dated 23.12.2024 the marriage was dissolved by granting a decree of divorce by mutual consent. Further, the proceedings under Domestic Violence Act was also

Rgd.

settled by filing a Pursis at Exh.42 in Cri. M.A.No.3948/2020, wherein it is stated that the parties have settled the dispute and the entire amount is received by the present non-applicant no.2, accordingly vide order dated 10.01.2025, the said proceedings came to be disposed of as withdrawn unconditionally. The 11th Joint Civil Judge, Senior Division and A.C.J.M. Nagpur, has in his order specifically recorded that *“It is submitted that the dispute is amicably settled between the parties and so she do not want to proceed with the case. Thus, in view of Pursis Exh.42 and order passed thereon, the case is disposed of as withdrawn unconditionally.”*

8. Considering the fact that the divorce proceedings and domestic violence proceedings are disposed of in view of the settlement between the parties, the present proceeding i.e. first information report and Regular Criminal Case are also required to be disposed by. The law on this point is well settled. So far as the matrimonial disputes are concerned, though Section 498-A is non-compoundable, however, the proceedings can be quashed under Section 482 of the Code of Criminal Procedure or under Section 528

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of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS). It is to be noted that as applicant no.1 and non-applicant no.2 want to lead their future life happily, it is desirable that the criminal proceedings are quashed in the interest of justice, as also to prevent abuse of the process of law. Therefore, in the facts and circumstances of the present case, we are inclined to grant the prayer of the applicants and proceed to pass the following order.

ORDER

- (1) Criminal Application is allowed.
- (2) We hereby quash and set aside the First Information Report No.313/2021 registered with Gittikhadan Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and R.C.C. No.113/2022 pending on the file of Judicial Magistrate First Class, Nagpur.
- (3) Rule is made absolute in aforesaid terms.
- (4) Pending Misc. Applications, if any, also stands disposed of.

JUDGE

JUDGE