



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

CRIMINAL APPLICATION NO.1228 OF 2023

1. Sharad s/o Keshavrao Gaikwad, age about : 54 years, Occ. Service
2. Sudarshini w/o Sharad Gaikwad, Age about 42, Occ. Homemaker, Applicant no.1 and 2 are r/o Plot No.2, Ashirvad Apartment, F-02, First Floor, Thakkar Marg, Giripeth, Nagpur.
3. Govind s/o Keshavrao Gaikwad, age about 49 years, Occ. Service,
4. Karuna w/o Govind Gaikwad, Age about 40, Occ. Housewife,

R/o Applicant 3 and 4 Amravati road, Suraksha Nagar, Dattawadi Near Asha Hospital, Wadi, Tq. Nagpur, Dist. Nagpur.

5. Avinash s/o Keshavrao Gaikwad, age about : 47 years, Occ. Service, r/o plot no. 32, Suraksha Nagar, Behind Asha Hospital, Dattawadi, Amravati Road, Nagpur – 440 023

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Police Station, Jaripatka, Nagpur Urban, Tq.and

Dist. Nagpur.

2. Switty w/o Avinash Gaikwad, age :
36 years, Occ. Service, c/o Dindayal
Tembhekar, Nirmal Colony Nara
Road, Jaripatka, Nagpur.

... NON-APPLICANT(S).

Shri Amit Band, Advocate for the applicants
Shri A.B. Badar, Advocate for the State.
Shri Abdul ubhan, Advocate for non-applicant no.2.
Shri R.N. Meshram, Advocate for intervenor.

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

DATE : 17.04.2025.

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

Heard. **ADMIT.**

2. The applicants approached to this Court to quash and set aside the First Information Report bearing Crime No.545 of 2023 registered for the offence punishable under Sections 498-A, 323, 294 and 506 of the Indian Penal Code, on the ground of mutual settlement in between the parties.

3. In the present case, the applicants have been charge-sheeted for the offence as stated above. In the police complaint lodged

by the non-applicant no.2/wife of applicant no.5, it is alleged that after her marriage, she was mentally and physically ill treated at the instance of the applicants.

4. It is the submission of the applicants that the allegations are false and no offence is made out against them as the allegation do not satisfy the ingredients to constitute the offence under Sections 498A, 506, 323, 294 of the IPC. It is also stated that all the allegations are general, vague and omnibus.

5. During the pendency of the present application, non-applicant no.2/wife has filed an affidavit dated 17.04.2025 stating that the matrimonial dispute in between the informant and the applicants is now, amicably settled out of the Court with an intervention of elderly members of the family. Accordingly, they have decided to take mutual divorce and in that regard, they have already filed joint Pursis in Criminal Misc. Application No.1820/2023 pending on the file of 12th Joint Civil Judge, Senior Division, Nagpur. According to the said settlement, the applicants would pay Rs.1,50,000/- to the informant towards the permanent alimony. The non-applicant no.2 also agreed to withdraw all the criminal cases registered against the applicants.

6. Both the applicant no.5 and informant are present in the

Court and identified by their respective Counsel. Non-applicant no.2, on query, confirmed the terms of the settlement and stated that she do not wish to prosecute the criminal proceedings against the applicants.

7. It is observed by the Hon'ble Supreme Court in the case of *B.S. Joshi vs. State of Haryana AIR 2003 SC 1386* as well as in the case of *Narinder Singh and ors. vs. State of Punjab and ors. (2014) 6 SCC 466*, the Court should exercise the powers to quash and set aside the proceeding arising out of matrimonial dispute when parties have resolved their entire dispute amongst themselves by amicable settlement.

8. In view of the above factual as well as legal position, it is clear that there is no impediment to accept the amicable settlement arrived between the parties. Accordingly, we proceed to pass following order :

ORDER

- (a) The Criminal Application is allowed.
- (b) First Information Report bearing Crime No.545 of 2023 registered at the Jaripatka Police Station, Nagpur City for the offence punishable under Sections 498-A, 323, 294 and 506

of the Indian Penal Code, is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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