



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION NO.1260 OF 2024

1. Varunkumar Narsaiah Tandra, aged about 33 years, Occ. Service, (husband of R2)
2. Narsaiah Lingiah Tandra, aged about 61 years, Old. Occ. Retired.(Father in law of R2)
3. Rekha w/o Narsaiah Tandra, aged about 57 years, Occ. Housewife, (Mother in law of R2)
4. Venkataramana Narsaiah Tandra, aged about 32 years, Occ. Business (Brother in law of R2)

All R/o Indira Nagar Ward No. 4,
Ghugghus, Tq. And Dist. Chandrapur.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Ramnagar, Police Station, Dist. Chandrapur.
2. Nirmala w/o Varunkumar Tandra aged about 32 yers, Occ. Housewife, R/o C/o Odelu Durgayya Kankuntlla Bablu, Kirana Store, Rayyatwary Colony, Chandraur, Tq. And Dist. Chandrapur.

... NON-APPLICANT(S).

Shri S.A. Mohta, Advocate for the applicants.
Shri A.R. Chutake, Addl. Public Prosecutor for the State.
Shri Abdul Kalam Kureshi, Advocate for non-applicant no. 2.

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

DATE : 02.04.2025.

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

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of the parties.

3. By this application filed under Section 482 of the Code of Criminal Procedure, the applicants are challenging the criminal proceeding numbered as R.C.C. No. 28/2024 pending on the file of the Judicial Magistrate First Class, Chandrapur arising out of First Information Report ('FIR') No.938 of 2023 registered with the Ramnagar Police Station, District Chandrapur for the offence punishable under Sections 498A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

4. In short, the case of the prosecution is that the marriage of the informant and applicant no.1 was solemnized on 01.07.2018 as per the Hindu Rites and Customs. At the time of marriage, the informant

has given Rs.20 lakhs as a dowry along with 30 grams gold with household articles to the applicants. However, after the marriage, applicants demanded further Rs.20 lakhs and due to non-fulfillment of their demand, she was subjected to harassment at the hands of the applicants. It is alleged by her that when she was residing with applicant no.1/husband at Bangluru in a rented house, on petty issues like not dressing properly, not having good manners, etc., she was harassed. Due to matrimonial harassment, she left the company of the husband on 15.10.2020 and started residing at maternal house at Chandrapur. After that, on 27.07.2023 she has lodged the report alleging that she was subjected to cruelty and mental harassment on the pretext of dowry. Accordingly, the offences were registered against the present applicants as stated above.

5. Non-applicant no. 2 put her appearance before this Court and filed an affidavit dated 08.03.2025 stating that during the pendency of the present application, their matrimonial dispute has been resolved and in pursuance of same, application for mutual divorce has been filed before the Civil Judge Senior Division, Chandrapur. According to the said settlement, they have now decided to live separately. Applicant no.1 agreed to pay total amount of Rs.10 lakhs towards full and final settlement and return all the articles belonging to

non-applicant no.2. As such, she does not want to prosecute the case against the applicants.

6. The non-applicant no.2 is present in the Court and identified by her Counsel. Non-applicant no.2 confirmed the aforesaid settlement and stated that she has no objection to quash and set aside the criminal proceedings registered against the present applicants under Section 498A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

7. The Hon'ble Supreme Court in the case of *B.S. Joshi and ors. vs. State of Haryana and anr. (2003) 4 SCC 675* laid down the principles of law that in matrimonial dispute/offences, it is the duty of the Court to encourage genuine settlements of matrimonial disputes. 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.

8. Accordingly, after going through the terms and conditions of the settlement dated 10.02.2025 filed along with affidavit, we are satisfied that matrimonial dispute between the parties is amicably settled.

9. In view of the above, we proceed to pass the following

order :

ORDER

- (a) The Criminal Application is allowed.
 - (b) Criminal proceeding numbered as R.C.C. No. 28/2024 pending on the file of the Judicial Magistrate First Class, Chandrapur arising out of First Information Report No.938 of 2023 registered with the Ramnagar Police Station, District Chandrapur for the offence punishable under Sections 498A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, is hereby quash and set aside.
10. The Criminal Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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