



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

CRIMINAL WRIT PETITION NO.836 OF 2023

Amol S/o Pandit Nikam, Golewadi, Shivaji Chowk, Badlapur, East, Thane

-VS-

The State of Maharashtra, Thr. Police Officer, Police Station Shantinagar, Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri P. K. Bezalwar, Advocate for petitioner.

Shri N. S. Rao, Additional Public Prosecutor for respondent No.1/State.

Shri N. S. Padia, Advocate for respondent No.2.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : April 15, 2025

P. C.

1. The counsel for the petitioner has tendered a pursis along with Demand Draft for an amount of Rs.50,000/-.

2. The petitioner has already deposited an amount of Rs.50,000/- in this Court to show his bonafides.

3. The prayers made in the petition read thus :

(A) *quash and/or setting aside the FIR 55/2022, Dated 12.03.2022 under Section 498A, 420, 323, 170, 417, 465, 468, 471 of Indian Penal Code & Section 3 of Domestic Violence Act being investigated by police authority at Shantinagar, Nagpur.*

(B) *issue Writ in the nature of any other appropriate Writ, order or direction under Article 226/227 of the Constitution of India, quashing and/or setting aside the chargesheet pending in the Hon'ble 16th Joint Civil Judge, Senior Division & ACJM, Nagpur in R.C.C. No.4595/22, FIR 55/2022, Dated 12.03.2022 under Section 498A, 420, 323, 170, 417, 465, 468, 471 of India Penal Code & Section 3 of Domestic Violence Act.*

Prayers (C), (D) and (E) are not pressed by the petitioner.

4. It is the case of the petitioner that his marriage was solemnized with respondent No.2 on 11/12/2021.

After few days it was revealed by the respondent No.2-wife that their marriage was entered into on false promises given by the petitioner. As a sequel of above, pursuant to the complaint lodged by respondent No.2-wife, an offence came to be registered under Sections 498(A), 420, 323, 170, 417, 465, 468 and 471 of the Indian Penal Code being Crime No.55/2022. In the said crime the petitioner is already charge-sheeted.

5. The petitioner so also the complainant-wife of the petitioner have sworn an affidavit on 24/03/2025 thereby stating that the petitioner and the respondent No.2-wife have decided to withdraw all the matters pending against each other in various Courts. Details of such matters are thus :

- (1) Private Complaint Under Section 156(3): Criminal M.A. No.1025/2022. **Leena vs. Amol.**
- (2) Family Court No.2 Nagpur, under Section 125 of Criminal Procedure Code filed by Respondent No.2 Petition E/122/2022. **Leena vs. Amol**
- (3) Family Court No.2 Nagpur, Under Section 12(1) (C) of Hindu Marriage Act filed by Respondent No.2 Petition A/806/2022 **Leena vs Amol.**
- (4) Section 9 of Hindu Marriage Act Petition before the Joint Civil Judge Senior Division, Kalyan vide Marriage Petition No.616/2022 Amol vs Leena and arising out of the said petition Misc. Civil Application

774/2023 transferred petition is disposed of on dt.03/04/2024.

- (5) Domestic violence petition filed by the petitioner Mother PWDVA Appln.357/2022, **Chhaya Pandit Nikam vs. Leena Amol Nikam**, at Civil Court Ulhasnagar pending against Respondent No.2.
- (6) Also S.C.C./4142/2022, **Chhaya Pandit Nikam vs. Leena Amol Nikam**, before the Civil Judge, JMFC, Ulhasnagar.
- (7) R.C.C. 4595/2022 is pending before Senior Division, Nagpur, **State vs. Amol Pandit**.

6. Apart from above, paragraphs 4 and 5 of the said affidavit tendered by the respondent No.2-wife who is present in Court and identified by her lawyer also read thus :

(4) I further say and submit that during this period the petitioner and respondent came to the conclusion that they are willingly ready to withdraw all the allegations to each other and ready for mutual divorce by some terms and conditions. It is pertaining to note here that the petitioner fulfilled her demand Rs.1,50,000/- and respondent No.2 having no objection for settlement. Except for this condition there were no terms and conditions between both of them.

(5) I further say and submit that his settlement has been done before the counsellor by discussion with both of them. Therefore, I am ready for this type of compromise. The petitioner and respondent No.2 are ready to settle this matter so both the parties decided not to proceed with this matter and in the near future there is no possibility the same thing will happen with each other so, finally the complainant without any fear settled the matter orally in between them.

7. So as to test the bonafides of the petitioner, the petitioner has deposited an amount of Rs.1 lakh in this Court and has further consented that the said amount can be made over to the respondent

No.2-wife. In response to the Court's query, the respondent No.2 through her lawyer has stated that she is willing to give consent for payment of Rs.25,000/- to the Family Court Bar Association, Nagpur and balance Rs.75,000/- be permitted to be withdrawn by her.

The aforesaid submission made by the counsel for respondent No.2-wife, on instructions, is not objected by the counsel for the petitioner.

8. In that view of the matter, we deem it appropriate to allow the present writ petition as respondent No.2-wife has extended her consent for settlement.

That being so, the writ petition is allowed in terms of prayer clause-B.

We permit the respondent No.2-wife to withdraw an amount of Rs.75,000/- out of Rs.1 lakh deposited by the petitioner.

The balance amount of Rs.25,000/- be made over by the Registry to the Family Court Bar Association, Nagpur.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)