



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

CRIMINAL APPLICATION NO.1748 OF 2024

1. Kunal s/o Purshottam Sawankar, aged about 36 years, Occ. Nil.
2. Purshottam s/o Damodhar Sawankar, Age about 71 years, Occ. Retired.
3. Sunita w/o Puroshottam Sawankar, age about 56 years, Occ. Housewife, (All 1 to 3) r/o Plot No. 4, Kh. No. 65, Kadu Layout, Back side of Shivlights Flats, Next Khapri Punarwasan Road, Shankarpur, Tq. Hingna, Dist. Nagpur.
4. Priyanka w/o Girish Kale, age about 38 years, Occ. Retired r/o District Pune.

... APPLICANTS

VERSUS

1. The Police Station Officer, Police Station, Sakkardara, Nagpur City, Dist. Nagpur.
2. Ashwini d/o Avinash Athwale, Aged about 33 years, r/o A-102, NIT Complex, Ayurvedic Layout, Sakkardara, Nagpur.

... NON-APPLICANTS

Shri S.P Kshirsagar, Advocate for the applicants.
Shri S.A. Ashirgade, Addl.P.P. for the State.

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

DATE : 07.04.2025.

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

Heard.

2. By this application, the applicants are seeking quashing of Charge-sheet No.7/2023 arising out of Crime bearing First Information Report No.136 of 2022 registered with the Sakkardara Police Station, Nagpur City for the offence punishable under Sections 294, 323, 498A and 506(2) of the Indian Penal Code, on the ground of mutual settlement.

3. It is the informant's case that after her marriage with applicant no.1, she was subjected to mental and physical cruelty at the hands of the applicants. Therefore, on 14.03.2022 she lodged the police complaint at Sakkardara Police Station, District Nagpur. On her complaint, the offence was registered against the applicants. The investigation is complete and charge-sheet has been filed bearing R.CC. No.380 of 2023 and the same is pending on the file of the Judicial Magistrate, First Class, Nagpur.

4. The present complainant came with a case that before

registration of FIR, the application for mutual divorce has been filed before the Family Court No. 2, Nagpur on 21.01.2022. The same was decided on 13.03.2023 and accordingly, as per the terms and conditions mentioned therein, both applicant no.1 and non-applicant no.2 have mutually decided to reside separately and break the marital ties between them.

5. The Non-applicant no.2/informant appeared in-person in the Court and confirmed about the mutual divorce. The non-applicant no.2 tendered a copy of Aadhar Card for identification and applicant no.1, who is also present in the Court, identified the non-applicant no.2. Non-applicant no.2 confirmed the terms and conditions on which the mutual divorce has been taken. As such, on our satisfaction about the validity of terms of settlement and her identification, we have accepted the statement of non-applicant no. 2.

6. The Hon'ble Supreme Court in the case of ***Narinder Singh and ors vs. State of Punjab and anr. (2014) 6 SCC 466*** has laid down certain principles for exercising the powers under Section 482 of the Code of Criminal Procedure while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings.

7. According to the said guidelines, it is made clear that criminal proceedings arising out of matrimonial relationship or family dispute should be quashed when the parties have dissolved their entire dispute amongst themselves. The Hon'ble Supreme Court in the case of *B.S. Joshi and ors. vs. State of Haryana and anr. (2003) 4 SCC 675* has specifically stated that Court should encourage the settlement in the matrimonial dispute.

8. In view of the settled principles of law and the fact that there is amicable settlement between the parties, we have no hesitation to accept the compromise in terms of agreement dated 11.01.2023 (Annexure-1) settled between the applicant and non-applicant no.2 and to quash and set side the criminal proceedings against the present applicants. Hence, we proceed to pass the following order :

ORDER

- (a) The application is allowed.
- (b) Charge-sheet No.7/2023 (bearing R.C.C. No.380/2023 pending before the Judicial Magistrate First Class, Nagpur) arising out of Crime bearing First Information Report No.136 of 2022 registered with the Sakkardara Police Station, Nagpur City for the offence punishable under Sections 294,

323, 498A and 506(2) of the Indian Penal Code, is hereby quashed and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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