



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

CRIMINAL APPLICATION (APL) NO. 475 OF 2024

1. **Ajay s/o Ishwar Gwalani**
Aged about 22 Yrs., Occ.: Business,
2. **Ishwar Rupchand Gwalani**
Aged about 61 years,
Occ. Business
3. **Mamta w/o Ishwar Gwalani**
Aged about 51 years,
Occupation:- Housewife,
All R/o Devdarshan Co-society flat
No.302 Opposite Sevan Star Hospital
Jagnade Chowk,
Nandanvan, Nagpur

...APPLICANTS

// VERSUS //

1. **State of Maharashtra,**
Through Police Station Officer,
Police Station Shegaon, Buldhana
Tah. and District Buldhana
2. **XYZ**
(Victim in Crime No.591/2023)
Registered at Police Station, Shegaon,
Buldhana, Tah. and District
Buldhana

NON-APPLICANTS

Mr S.V. Sirpurkar, Advocate for the applicants.
Ms. M.H. Deshmukh, APP for non-applicant No. 1/State.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATED : 08.05.2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.
3. By this application, applicants are seeking to quash and set aside the charge-sheet No.8/2023 arising out of Crime No.591/2023 registered with Police Station Shegaon District Buldhana for the offences punishable under Sections 498-A, 376, 377, 504, 506 and 34 of the Indian Penal Code (for short, 'the I.P.C.')
4. It is stated by applicants that, during the pendency of present application, there is amicable settlement of matrimonial disputes between the parties and accordingly they have filed an

application for mutual divorce before Civil Judge Senior Division, Khamgaon. As per the conditions of mutual divorce the non-applicant No.2 consented to withdraw the police complaint lodged against the applicants.

5. In the present case, on appearance of the non-applicant No.2 she has confirmed the fact that there is a mutual divorce and consented for withdrawal of police complaint. In support of this, she has also placed on record an affidavit dated 08.05.2025.

6. The non-applicant No.2 is present in the Court and identified by her Advocate and on a query put to her about amicable settlement she confirmed the same and orally stated that without any pressure she has filed an affidavit in the matter.

7. In support of their submissions both the parties have relied upon the judgment of Hon'ble Supreme Court of India in the case of *B.S. Joshi and others Vs. State of Haryana* reported in (2003) 4 SCC 675 wherein it is held that genuine settlement in

matrimonial proceedings should be accepted if all the issues are resolved between the parties.

8. Hence, considering the above factual as well as legal position we have no impediment to accept the amicable settlement arrived between the parties and accordingly, we pass the following order:-

(i) The criminal application is allowed.

(i) Charge-sheet bearing No.8/2023 dated 09.01.2024 arising out of FIR No.591/2023 registered with Police Station Shegaon, District Buldhana for the offences punishable under Sections 498-A, 376, 377, 504, 506 and 34 of the I.P.C. is hereby quashed and set aside.

Rule accordingly.

Pending application, if any, also stands disposed of.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]