



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

CRIMINAL APPLICATION NO.1116 OF 2024

1. Ajinkya s/o Arun Vidhate, aged about 30 years, Occ. Service, R/o C 504, Blueberry Society, Fursungi, Pune.
2. Arun s/o Manikrao Vidhate, aged about 68 years, Occ. Retired From Education Department, Yavatmal.
3. Anuradha w/o Arun Vidhate, aged about 60 yrs, Occ. Retired from Judiciary Department as Asst. Superident.
4. Anurang s/o Arun Vidhate, aged about 34 years, Occ. Service, All applicants nos. 2 to 4 are r/o Plot No. 29, Kalpana Nagpur, B/h Anand Vihar, Kathora Road, Amravati, Tq. And Distt. Amravati.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Police Station, Gittikhadan, Nagpur.
2. Samiksha Ajinkya Vidhate, Before marriage Samiksha Babanrao Bodad, aged about 29 years, Occ. Homemaker, r/o near to Santoshi Mata Mandir, Pension Naar, Police Line Takli, Gittikhadan, Nagpur.

... NON-APPLICANT(S).

Shri H.V. Dhage, Advocate for the applicants.
Shri G.S. Umale, Addl. Public Prosecutor for the State.
Shri P.S. Tidke, Advocate for non-applicant no.2.

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

DATE : 24.04.2025.

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

RULE. Rule made returnable forthwith.

2. The applicants approached to this Court to quash and set aside the First Information Report ('FIR') No.304 of 2024 registered with the Gittikhadan Police Station, District Nagpur for the offence punishable under Sections 498A, 406, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code, on the ground of mutual settlement in between the parties.

3. In the present case, the applicant/husband and non-applicant no.2 are present in the Court and identified by their respective Counsel. The applicant/husband and non-applicant no. 2 jointly stated that before the Family Court, Nagpur in Suit No.823 of 2024 their matrimonial dispute is amicably settled and both have

decided to reside separately. As per the said settlement, non-applicant no.2 agreed to withdraw all the criminal proceedings lodged against the present applicants and also undertook that in future, she will not lodge any complaint against the present applicants. The copy of the said settlement is tendered on record by way of Pursis dated 23.04.2025. On query put to non-applicant no.2, she confirms about the amicable settlement and gave her no objection to quash the criminal prosecution against the present applicants.

4. In view of this, it is clear that there is no dispute subsisting between the parties and their dispute is amicably settled on all issues.

5. 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.

6. 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. Hence, we proceed to pass the following order :

- (a) The Criminal Application is allowed.
- (b) First Information Report No.304 of 2024 registered with the Gittikhadan Police Station, District Nagpur for the offence punishable under Sections 498A, 406, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code, is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR , J.)

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