



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

CRIMINAL APPLICATION (APL) NO. 242 OF 2023

- APPLICANTS :**
1. Vadivel Subbaiyah S/o Subbiayaa,
Aged about 66 years, Occ Retired,
R/o 1293/4 Bhartiya Marg, Cross
South Gandhigramam, Pasupathipalayam,
Post Karur, Tamilnadu.
 2. Manimekalai Vadivel W/o Vadivel,
Aged about 60 years, Occ. Housewife,
R/o 1293/4 Bhartiya Marg, Cross
South Gandhigramam, Pasupathipalayam,
Post Karur, Tamilnadu.
 3. Dr. Kavitha Vadivel D/o Vadivel,
Aged about 38 years, Occ. Govt. Medical
Officer (Doctor), R/o 1292 B-1/4
Bharathiyar Street, 5th Cross,
North Gandhigramam, Senapiratti,
Pasupathipalayam, Dist Karur, Tamil Nadu.

V E R S U S

- NON-APPLICANTS :**
1. The State of Maharashtra
Through Police Station Officer,
Ram Nagar Police Station, Chandrapur,
Tehsil and Dist. Chandrapur.
 2. Sneha W/o Senthil Prabhu,
Aged about 34 years,
Occ. Service, R/o Near N.D.Hotel,
Datta Nagar, Nagpur Road,
Chandrapur, Ram Nagar, Chandrapur,
Tehsil and Dist. Chandrapur.

WITH

CRIMINAL APPLICATION (APL) NO. 277 OF 2023

- APPLICANT :**
- Senthil Prabhu Vadivel,
Aged about 40 years, Occ. Service,
R/o 1293/4 Bhartiya Marg, Cross
South Gandhigram, Pasupathipalayam,
Post Karur, Tamilnadu.

VERSUS

- NON-APPLICANTS :**
1. The State of Maharashtra
Through Police Station Officer,
Ram Nagar Police Station, Chandrapur,
Tehsil and Dist. Chandrapur.
 2. Sneha W/o Senthil Prabhu,
Aged about 34 years,
Occ. Service, R/o Near N.D.Hotel,
Datta Nagar, Nagpur Road,
Chandrapur, Ram Nagar, Chandrapur,
Tehsil and Dist. Chandrapur.

Shri S. O. Ahmed, Advocate for applicants.

Shri N. R. Rode, Additional Public Prosecutor for respondent No.1.

Shri A. S. Thotange, Advocate for respondent No.2.

CORAM:- VINAY JOSHI AND

VALMIKI SA MENEZES, JJ.

DATED : 31/08/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. Not on Board. Taken on Board.
2. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.
3. Both applications are for quashing of FIR as well as charge sheet relating to Crime No.49/2022 registered with Ram Nagar Police Station, Chandrapur for the offence punishable under Sections 498-A, 504 r/w Section 34 of the Indian Penal Code.
4. Applicant - Senthil Prabhu Vadivel in Criminal Application (APL) No.277/2023 is husband whilst applicants -

Manimekalai Vadivel and Dr. Kavita Vadivel in Criminal Application (APL) No.242/2023 are relatives of husband. The quashing is sought on account of mutual settlement between the parties. The couple got married in the year 2018 and due to differences, informant is residing separately and has filed report. The police have completed the investigation and filed charge sheet. It is informed that the Trial Court has yet not framed the charge. During pendency, with the aid and intervention of friends and relatives, the parties have arrived at the settlement. The couple is having no issue from the marriage. They have decided to sever matrimonial ties and to walk in the life as per their choice. In accordance with settlement, they have mutually applied for a Decree of Divorce before the Court of Competent Jurisdiction. It was agreed that the husband would pay sum of Rs.24,50,000/- to the wife towards full and final settlement. Out of that, already Rs.12,25,000/- has been paid to the wife by way of Demand Draft. The remaining amount is agreed to be paid on the date of divorce. The husband has assured us that he would pay the balance sum as agreed. We take his statement as an undertaking given to this Court.

5. The informant is present before us, who is identified by her Advocate Shri A. S. Thotange. The informant lady has also

filed reply affidavit stating about the settlement and her consent to quash the proceedings. We have enquired with the informant about the settlement to which she has agreed and gave no objection to quash the proceedings. The offence is of matrimonial nature which cannot be termed as anti-social. Continuation of proceeding amounts to abuse of the process of Court. Rather, the ends of justice would be secured by quashing the proceedings as both would lead their life as per the choice.

6. In view of above, we are inclined to invoke our inherent jurisdiction, hence, applications are allowed. We hereby quash and set aside the FIR as well as charge sheet relating to Crime No.49/2022 registered with Ram Nagar Police Station, Chandrapur for the offence punishable under Sections 498-A, 504 r/w Section 34 of the Indian Penal Code and related criminal case bearing RCC No.507/2022 pending on the file of Judicial Magistrate First Class, Chandrapur.

7. Applications are disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]