

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

CRIMINAL APPLICATION NO. 442 OF 2018

- 1] Pranali Mayur Shrivastava,
aged about 36 years, Occ. Housewife,
- 2] Mayur Ashok Shrivastava,
aged 41 years, Occ. Nil,

Both R/o. Flat No. 114, Utkarsh Nirman,
Near Mangalwari Bazaar, Sadar,
Nagpur, Tah. And Distt. Nagpur.....

APPLICANTS

...VERSUS...

The State of Maharashtra,
through Police Station Sadar, Nagpur.....

RESPONDENT

Shri J.S.Chilotra, counsel for applicant.
Shri A.M.Deshpande, APP for respondent

CORAM: R. K. DESHPANDE AND
ARUN D. UPADHYE, JJ.

DATE : 12th JUNE, 2018.

ORAL JUDGMENT (per Arun D. Upadhye, J.)

- 1] Rule made returnable forthwith.

Heard finally by consent of the learned counsels
appearing for the parties.

- 2] This is an application filed under Section 482 of
Code of Criminal Procedure by the applicants – wife and

husband for quashing Charge Sheet Nos. 48 of 2015 and 146 of 2017, as also Sessions Case No. 225 of 2015 and Regular Criminal Case No. 4566 of 2017 pending before the learned District Judge and Additional Sessions Judge, Nagpur, and learned 15th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Nagpur, respectively..

3] The applicant No.1 is the wife and the applicant No. 2 is the husband. Shri Chilotra, the learned counsel appearing for the applicants has submitted that the applicants – wife and husband have settled the matter. The offence against the applicant No.2 – husband is punishable under Section 498-A and 307 of Indian Penal Code. Since the matter is compromised, there is no possibility of conviction and therefore, prosecution will fail. The applicants, therefore, be permitted to settle the matter and prayed for quashing of the charge-sheets and criminal proceedings.

4] The applicants present in the Court have stated that they have settled the matter and residing together.

5] Considering the submissions of the learned

counsel for the parties and after perusing the record of the case, we are of the considered view that the Charge Sheets and the criminal proceedings could be quashed and set aside.

6] The applicants are wife and husband and they are now leaving a peaceful life. They have resolved the controversy. It is, therefore, necessary to quash and set aside the Charge Sheets as well as the criminal proceedings filed against the applicant No.2. The Hon'ble Supreme Court in a case reported in **(2014) 6 SCC 466 (Narinder Singh and ors vs. State of Punjab and another)** has given detail guidelines for quashing of first information report/charge sheet. The guideline Nos. 29.2 and 29.5 are reproduced below :-

"29.2 When the parties have reached the settlement and on that basis, petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure :

- (i) Ends of justice, or
- (ii) to prevent abuse of process of any Court.

While exercising the power, the High Court is to form an opinion on either of the aforesaid two objectives.

29.5 While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases."

In view of the above guidelines, the present case is squarely covered and deserves to be allowed. Hence, the following order.

7] The application filed under Section 482 of Code of Criminal Procedure is allowed. The Charge Sheet Nos. 48 of 2015 and 146 of 2017, as also Sessions Case No. 225 of 2015 and Regular Criminal Case No. 4566 of 2017 pending before the learned District Judge and Additional Sessions Judge, Nagpur, and learned 15th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Nagpur, respectively are hereby quashed and set aside.

JUDGE

JUDGE

Rvjalit