

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

CRIMINAL APPLICATION (APL) NO. 329/2019

- 1] Rishijyotsingh S/o Ranjeetsingh Kocher,
Aged about 33 years, Occ. Student,
R/o. 16/42, Ground floor,
Old Rajendar Nagar, New Delhi 110060
- 2] Ranjeetsingh Ayasingh Kocher,
Aged about 67, Occ. Business,
R/o. 85, Railway Housing Society,
Mala Road, Kota 324 002
- 3] Paramjitkaur W/o Ranjeetsingh Kocher,
Aged about 62, Occ. Household,
R/o. 85, Railway Housing Society,
Mala Road, Kota 324 002
- 4] Bhajanjitkaur D/o Ayasingh Kocher,
Aged about 76, Occ. Business,
R/o. 85, Railway Housing Society,
Mala Road, Kota 324 002
- 5] Ravinderkaur D/o Ayasingh Kocher,
Aged about 74, Occ. Business,
R/o. 85, Railway Housing Society,
Mala Road, Kota 324 002

.... **APPLICANT(S)**

// VERSUS //

- 1] The State of Maharashtra,
Through Police Station Officer,
Police Station – Jaripatka, Nagpur
- 2] Gurpreet W/o Rishijyotsingh Kocher,
Aged about 33 years, Occ. Housewife,
R/o. Plot No. 131, Misal Lay-out, Near
Post Office, Jaripatka, Nagpur – 14

.... **NON-APPLICANT(S)**

Shri I.A. Fidvi, Advocate for the applicant(s)
Shri A.M. Balpande, APP for the non-applicant no. 1
Shri R.P. Masurkar, Advocate for the non-applicant no. 2

CORAM : Z.A.HAQ & VINAY JOSHI, JJ.
DATED : 27/03/2019

ORAL JUDGMENT : (PER:- Vinay Joshi, J.)

1] Heard finally by consent of the parties.

2] **RULE.** Rule made returnable forthwith.

3] The applicants, who are facing Criminal Case bearing no. 2635/2015 relating to the offences punishable under Sections 498A, 504, 506 and 34 of the Indian Penal Code, have prayed for quashing of the said proceedings. The concerned criminal case was initiated at the instance of report lodged by the non-applicant no. 2 against her husband and her in-laws for matrimonial harassment. With the passage of time, the parties, particularly the applicant no. 1 – husband and the non-applicant no. 2 – wife, have settled the dispute outside the Court. It is informed that the parties have decided to obtain divorce by mutual consent and accordingly they have filed petition under Section 13B of the Hindu Marriage Act before the Family Court, Nagpur. It is agreed between the parties to withdraw all the proceedings filed by them against each other.

4] At the instance of notice issued to the non-applicant no. 2 – wife, she has appeared through her counsel in the proceedings. Today, a joint pursis is filed by the husband and wife reaffirming that the matter is settled, and joint request is made to quash and set aside the concerned criminal proceedings. The non-applicant no. 2 (informant of the criminal case) is present and is identified by her counsel. Since the matter is settled between the parties, no fruitful purpose would be served by continuing the criminal proceedings. As recorded above, the parties have already applied for divorce by mutual consent.

5] In the circumstances, we find it appropriate to exercise the inherent jurisdiction and to set aside the criminal proceedings which have become meaningless. Hence, we allow the application and hereby quash and set aside FIR No. 251/2015 and related Regular Criminal Case No. 2635/2015 pending on the file of J.M.F.C., Nagpur.

Rule is made absolute in the above terms.

Criminal Application (APPP) No. 530/2019

In view of the disposal of the criminal application, this application praying for grant of time to file the certified copy of FIR does not survive. It is **disposed** accordingly.

JUDGE

JUDGE

Ansari