

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

CRIMINAL APPLICATION (APL) NO.148 OF 2021

1. Pankaj s/o Suresh Borkar,
Aged about : 33 yrs.,
Occ. : Pvt. Service.
2. Mrs. Hemlata w/o Suresh Borkar,
Aged about : 58 yrs.,
Occ. : Household,

All 1 to 2 R/o B-2/4, Savitri
Vihar, Near Apna Bhandar,
Somalwada, Wardha Road,
Nagpur.

3. Megha W/o Tushar Godbole,
Aged about : 36 yrs.,
Occ. : Household,
R/o H. L. Company, Quarter
No.242, Type-III-B, Onzar
Township, Post Onzar,
Dist. - Nashik.
4. Shilpa Divorcee of Pankaj Borkar,
Aged about : 30 years,
Occ. : Private Service, R/o Plot
No.15, Borkute Layout,
Pragatisheel Colony, Opposite Sai
Mandir, Wardha Road,
Nagpur - 15.

... **APPLICANTS**

VERSUS

The State of Maharashtra,
Through P.S.O., P.S., Sonegaon,
Nagpur.

... **NON-APPLICANT**

S/Shri A. S. Band and A. M. Balpande, Advocates for applicant
Nos.1, 2 and 4.

Shri S. D. Sirpurkar, Additional Public Prosecutor for Non-
applicant-State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 29/01/2021.

ORAL JUDGMENT : (PER : Z.A. HAQ, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. The accused / applicant Nos.1 to 3 and the Informant – Applicant No.4 have jointly filed this application under Section 482 of the Code of Criminal Procedure praying that Regular Criminal Case No.975/2015 registered against the applicant Nos.1 to 3 and pending before the learned Judicial Magistrate First Class, Court No.8, Nagpur for the offences punishable under Sections 498-A and 506 r/w Section 34 of the Indian Penal Code be quashed.

4. Undisputedly, marriage was solemnized between the applicant No.1 and the applicant No.4. Applicant No.2 is mother of applicant No.1 and applicant No.3 is sister of applicant No.1. According to the parties, the matter is amicably worked out and as per the terms of settlement, the applicant No.1 and the

applicant No.4 had jointly moved application before the Family Court, Nagpur praying for decree of divorce and by judgment dated 5th November, 2020, the Family Court has granted decree of divorce. According to the applicant No.4, she has no grudge against the applicants. She is not interested in prosecution of the applicant Nos.1 to 3. The criminal application is supported by an affidavit of the applicant No.4. It is stated that the trial has not yet been commenced.

5. Considering the above facts, we are of the view that as the complaint of applicant No.4 against the applicant Nos.1 to 3 was relating to personal nature and in view of settlement between the parties and as trial has not yet been commenced, the pendency of the prosecution will ultimately be of no fruitful purpose and it may amount to abuse of process of Court.

6. Hence, we pass the following order :-

The proceedings of Regular Criminal Case No.975/2015 against the applicant Nos.1 to 3 pending before the learned Judicial Magistrate First Class, Court No.8, Nagpur is quashed.

7. Rule is made absolute in the above terms.

CRIMINAL APPLICATION (APPP) ST. NO.648 OF 2021

In view of disposal of the Criminal Application (APL) No.148/2021, this application for grant of time to file certified copy of charge-sheet does not survive, hence it is disposed.

JUDGE

JUDGE

Choulwar