

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

CRIMINAL APPLICATION (APL) NO. 164/2021

1] **Pravin S/o. Ramchandra Vaidya,**
Aged about 38 years, Occ. Agriculturist

2] **Baby W/o. Ramchandra Vaidya,**
Aged about 59 years, Occ. Household

3] **Archana D/o. Ramchandra Vaidya,**
Aged about 29 years, Occ. Nil,

All 1 to 3 R/o. Konda, Tahsil Bhadrawati,
Dist. Chandrapur

4] **Kavdu S/o. Balaji Satpute,**
Aged about 57 years, Occ. Service
R/o. Tukum, Dist. Chandrapur

5] **Poonam W/o. Pravin Vaidya,**
Aged about 27 years, Occ. Household,
R/o. Konda , Tahsil Bhadrawati,
Dist. Chandrapur

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

// VERSUS //

State of Maharashtra,
Through Police Station Officer,
Police Station Bhadrawati,
Dist. Chandrapur

.... **NON-APPLICANT**

Ms. F. Badani, Adv h/f Shri S.V. Sirpurkar, Adv for the applicant(s)
Ms. M. Deshmukh, APP for the non-applicant

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 01/02/2021

ORAL JUDGMENT : (PER:- AMIT B. BORKAR, J.)

1] Heard.

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

3] This is an application under Section 482 of the Code of Criminal Procedure challenging registration of First Information Report No. 347/2016 with the non-applicant – Police Station on 08/06/2016 alongwith Charge-sheet bearing no. 84/2016 dated 15/07/2016 for the offences punishable under Sections 498-A, 323 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The first information report came to be registered against the applicant nos. 1 to 4 with the accusations that the applicant nos. 1 to 4 physically and mentally harassed the applicant no. 5 and demanded dowry from the applicant no. 5. After completion of the investigation, charge-sheet came to be filed against the applicant nos. 1 to 4.

4] The applicant no. 1 is husband, the applicant no. 2 is mother-in-law, the applicant no. 3 is sister-in-law and the applicant no. 4 is maternal uncle of the applicant no. 5. During the pendency of the present application, the parties have settled their dispute. The terms of settlement are placed on record by the applicants at page 63 of the present application. As per the terms which have been settled before the Court of Judicial Magistrate First

Class, Bhadrawati, it has been agreed by and between the applicant no. 1 and applicant no. 5 that the applicant no. 5 will be withdrawing the criminal cases filed against the applicant nos. 1 to 4. The present application has been affirmed by all the applicants including the applicant no. 5 – wife.

5] We have carefully considered the allegations in the first information report and the material produced before this court by way of charge-sheet. Having considered the nature of offences alleged against the applicant nos. 1 to 4, we are satisfied that the offences being personal in nature, there is no impediment in quashing the first information report and charge-sheet filed against the applicant nos. 1 to 4.

6] Hence, the following order:-

F.I.R. No. 347/2016 dated 08/06/2016 registered with the non-applicant – Police Station and Charge-sheet No. 84/2016 dated 15/07/2016 for the offences punishable under Sections 498-A, 323 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act are quashed and set aside.

Rule is made absolute in the above terms.

JUDGE

JUDGE