

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

CRIMINAL APPLICATION (APL) NO.463/2021

1. Vipul S/o. Ashok Kashyap,
Aged about 29 yrs., Occ. : Business.
2. Ashok S/o. Mulchand Kashyap,
Aged about 54 yrs., Occ. : Business,
3. Sau. Shipra W/o. Ashok Kashyap,
Aged about 49 yrs., Occ. Household,
4. Ku. Mansi d/o. Ashok Kashyap,
Aged about 27 yrs., Occ. : Education.

All R/o. 304, Balaji Complex,
Near Punjab National Bank, Itwari,
Dist. Nagpur.

... APPLICANTS

----VERSUS----

1. The State of Maharashtra,
through P. S.O. P. S. Yashodhara Nagar,
Dist. Nagpur.
2. Sau. Twinkle W/o. Vipul Kashyap,
(Twinkle d/o. Roopnarayan Gupta)
Aged about 25 years, Occ. Household,
R/o. C/o. Roopnarayan Gupta, 'Rupasha'
Plot No.164, Namdeo Nagar,
Old Kamptee Road, Nagpur.

... NON-APPLICANTS

Mr. G. D. Dani, Advocate for Applicants.
Mr. S. S. Doifode, Additional Public Prosecutor for Non-applicant No.1/State.
Mr. L. M. Bajaj, Advocate h/f. Mr. Shyam Dewani, Advocate for Non-applicant
No.2 with Disha Fulwani (Dewani), Advocate for Non-applicant No.2.

CORAM: **M. S. SONAK AND**
 PUSHPA V. GANEDIWALA, JJ.

DATE: **29.10.2021.**

JUDGMENT : (PER M. S. SONAK, J.)

1. Heard learned Counsel for the parties.
2. **Rule.** The rule is made returnable forthwith at the request of and with the consent of the learned Counsel for the parties.
3. This is an application for quashing of the First Information Report dated 09.01.2021 registered vide Crime No.17/2021 at Police Station Yashodhara Nagar, Nagpur alleging that the applicants have committed an offences punishable under Sections 313, 417, 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.
4. The learned Counsel for the applicants and the non-applicant No.2 have jointly submitted that the disputes between the parties have been settled and the terms of such settlement have also been appended to the application. They jointly submit that the impugned First Information Report may, therefore, be quashed.
5. The applicant No.1 and the non-applicant No.2 are present in the Court. We have interviewed them and the non-applicant No.2 states that she does not wish to proceed with her complaint now that the matter has been amicably settled.

6. Having regard to the law laid down by the Hon'ble Apex Court in the case of B. S. *Joshi and Others Vs. State of Haryana and Another* reported in *(2003) 4 SCC 675*, we, an applying the same to the fact situation in this matter, we allow this application and quash the aforesaid First Information Report.

7. The order of quashing will, however, take effect only, if the applicant No.1 deposits with the High Court Legal Services Authority an amount of Rs.20,000/- towards costs within a week of three weeks from today.

8. If this amount is not deposited and proof of payment filed, then, this application, shall be deemed to have been dismissed without further reference to this Court.

9. The Rule is made absolute in the aforesaid terms. There shall be no order for costs.

PUSHPA V. GANEDIWALA, J.

M. S. SONAK, J.