

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

CRIMINAL APPLICATION (APL) NO.169 OF 2021

1. Dhananjay S/o Dadarao Thote,
Aged 33 years, Occu. - Service,
R/o. I.U.D.P, Near Nagar Parishad
School Katol.
2. Rekha Dadarao Thote,
Aged 53 years, Occu.- House wife,
R/o. I.U.D.P, Near Nagar Parishad
School Katol.
3. Malharao Vishnuji Mahajan,
Aged 50 years, Occu.- Agriculturist,
R/o. Hanuman Mandir, Katol.
4. Pranita w/o Dhananjay Thote,
Aged 27 years, Occupation – Household,
R/o. C/o. Shri. Prakash Ughade,
Post-Darwa, Tah.-Darwa, Dist.-Yawatmal....**APPLICANTS**

// VERSUS //

State of Maharashtra,
Through PSO, Darwa,
Dist. – Yavatmal.

.... NON-APPLICANT

Shri J. D. Bastian, Advocate for the applicants.
Shri N. S. Rao, A.P.P. for the non-applicant/State.

**CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.**

DATE : 04.02.2021.

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 the First Information Report registered against the applicant Nos.1 to 3 vide Crime No.245 of 2020, with the non-applicant – Police Station for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code be quashed.

4. According to the applicants, the matter is amicably worked out by the parties. The terms of settlement between the parties are reproduced in paragraph No.5 of the Criminal Application. The Criminal Application is signed by the accused and the informant and is supported by the affidavits of the applicant No.4 (Informant) and the applicant No.1 (the husband of the informant).

5. The investigation is at preliminary stage and charge-sheet is not yet filed. Considering the facts of the case, we are of the view that keeping the criminal proceedings pending against the applicant Nos.1 to 3 would not serve any purpose. The accusations against the applicants are of personal nature and there does not appear to be any impediment in exercising the jurisdiction under Section 482 of the Code of Criminal Procedure and quashing the First Information Report.

6. Hence, the following order :-

The First Information Report registered against the applicant Nos.1 to 3 with the non-applicant – Police Station vide Crime No.245 of 2020 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code is quashed.

7. Rule is made absolute accordingly.

JUDGE

JUDGE

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