

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

Criminal Application (APL) No.1251/2021

1. Sandeep Vasantrao Rathod (Deshmukh),
Aged about 37 years, Occ.-Service.
2. Vasantrao Nilkanth Rathod (Deshmukh),
Aged about 73 years, Occ.-Nil.
3. Ashabai w/o Vasantrao Rathod (Deshmukh),
Aged about 68 years, Occ.-Nil.
Sr. No. 1 to 3 R/o Sambhaji Nagar, Arni,
District Yavatmal.
4. Sarita w/o Jaideep Deshmukh,
Aged about 35 years, Occ.-Housewife,
R/o Yerad, Taluka Chandur Railway, District Yavatmal.
5. Kavita w/o Amitrao Rathod,
Aged about 41 years, Occ.-Housewife,
R/o Sambhaji Nagar, Arni, District Yavatmal.
6. Pranali w/o Sandeep Rathod (Deshmukh),
Aged about 25 years, Occ.-Housewife,
R/o. Plot No.27, Nilkamal Nagar, Narsala Road,
Dighori, Nagpur. ... Applicants.

VERSUS

The State of Maharashtra
through Police Station Officer Arni,
Police Station, District Yavatmal. ...Non-applicant.

Mr. P.R. Sharma, Adv for applicant nos. 1 to 5.
Mr. M.J. Khan, APP for non-applicant.
Ms Sheeba Thakur, Adv for applicant no.6.

CORAM: M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.
DATE : 14-12-2021.

ORAL JUDGMENT : (Per: M.S. Sonak, J.)

Heard Mr. Pratik Sharma, learned Counsel for the applicant nos. 1 to 5, Mr. Khan, learned APP for the non-applicant State and Ms Sheeba Thakur, learned Counsel for applicant no.6-Pranali Rathod (Deshmukh).

2. Ms Pranali Rathod (Deshmukh) is also present in the Court.

3. After our order dated 02-12-2021, the learned Counsel for the parties have reported that the decree for divorce by mutual consent has already been passed.

4. Ms. Pranali Rathod (Deshmukh) who appears in person has stated before us that she stands by the terms and conditions agreed to by her with Sandeep Rathod (Deshmukh)-applicant no.1. She states that she is interested in starting new life after obtaining a divorce and it is for this reason she does not wish to pursue the criminal case against applicant no.1-Sandeep and his relatives.

5. According to us, having regard to law laid down by the

Hon'ble Supreme Court in the case of **B.S. Joshi and others vs State of Haryana and another**, reported in (2003) 4 SCC 675, we see no difficulty in accepting the joint request made by the applicants for quashing the impugned First Information Report/chargesheet.

6. However, this shall be subject to certain payments that, we feel, applicant no.1-Sandeep will have to make to Ms Pranali. Normally, in the matter of this nature we impose costs on the parties, but we after hearing the parties feel that the interest of justice requires in this case, applicant no.1-Sandeep, to pay some amount to Ms. Pranali.

7. Applicant no.1-Sandeep has agreed to pay an amount of Rs. 20,000/- to Ms Pranali today itself and to pay further amount of Rs.30,000/- within two months from today. We accept this statement on behalf of applicant no.1-Sandeep and clarify that the relief granted in this petition is subject to payment of such amount to Ms Pranali. Necessary proof will have to file this Court and only after this proof is filed and the same is duly confirmed by the learned Counsel appearing on behalf of Ms Pranali that the relief which we now propose to grant will become operative. The rule made in this application is now absolute in terms of prayer clauses (i) to (iii), which read as follows :

“i. Allow the application thereby quashing and setting aside the chargesheet dated 07.01.2019 under Section 498-A, 504, 506 r/w Section 34 of the Indian Penal Code in F.I.R. No.521/2018 registered with Police Station Arni, District Yavatmal on such terms and conditions as this Hon’ble Court deems fit and proper in the aforesaid facts and circumstances and in the interest of justice;

ii. Quash and set aside the proceedings before Civil Judge Junior Division & JMFC, Arni, District Yavatmal in R.C.C. No.21/2019 (State Vs Sandeep Vasantrao Rathod & others) in the interest of justice;

iii. Quash and set aside the proceedings arising out of F.I.R. No.521/2018 registered at Police Station Arni, District Yavatmal.”

8. The aforesaid relief is subject to applicant no.1-Sandeep making payments as indicated above and filing proof of payment. If no such proof is filed within three months from today then, this petition, shall be deemed to have been dismissed with costs of Rs. 50,000/-.

9. For the present, this petition is disposed of for the aforesaid terms.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)