

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

CRIMINAL APPLICATION (APL) NO. 1382 OF 2021

(Pravin s/o Pundlik Thote & Ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. K.S. Motwani, Advocate for the applicants.
Mr. M.J. Khan, A.P.P. for the respondent/ State.

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CORAM : M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.
DECEMBER 21, 2021.

Heard Mr. Motwani, learned counsel for the applicants, and Mr. Khan, learned A.P.P. for the respondent/ State.

2] This is a joint application seeking quashing of FIR No. 348/2021 dated 03/08/2021 registered by the Police Station – Sakardhara, District – Nagpur against applicant Nos. 1 and 2 for the offences punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code.

3] Applicant Nos. 1 and 3 are present before us and state that they have sorted out their dispute and are now living with each other in matrimony. Applicant No.3 states that she no longer interested in pursuing this matter.

4] Having regard to the law laid down by the Hon'ble Supreme Court in **B.S. Joshi and Others**

Vs. State of Haryana and another, (2003) 4 SCC 675,
we see no difficulty in quashing the impugned FIR.

5] Normally, in such matters, the applicants are required to pay costs. Applicant No.1, however, states that he will open a Fixed Deposit account of Rs.2,00,000/- (rupees two lakh) in the joint names of his son Chinmay, himself and his wife Ashwini within four weeks from today. This Fixed Deposit will be maintained until Chinmay attains majority.

6] The necessary copies/ evidences concerning the Fixed Deposit will have to be filed in this Court within four weeks from today. It is only after this exercise is completed that the impugned FIR will stand quashed.

7] For a period of four weeks from today, no chargesheet needs to be filed against applicant Nos. 1 and 2 in this matter. However, if applicant No.1 fails to honor his commitment, then this application will stand dismissed without any further reference to this Court with costs of Rs.25,000/-. The State will then be free to file the chargesheet in pursuance of the impugned FIR.

8] The application is disposed of in the aforesaid terms without any order for costs having

regard to the statement made by Mr. Pravin Thote
before us today.

(PUSHPA V. GANEDIWALA, J.)

(M.S. SONAK, J.)

Sumit