

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

CRIMINAL APPLICATION (APL) NO. 683 OF 2022

- 1) Subrato S/o Shekhar Kannao,
Aged about 38 years, Occ. - Business,
- 2) Shekhar S/o Purushottam Kannao,
Aged about 69 years, Occ. - Retired,
- 3) Sau. Gayatri W/o Shekhar Kannao,
Aged about 65 years, Occ. - Household,

All r/o "Kannao Bhawan", Near Shriram
Mandir, Karanja Lad, Tah. Karanja Lad,
District Washim.

.... **APPLICANTS**

// **VERSUS** //

- 1) The State of Maharashtra,
through Police Station Officer,
Police Station Beltarodi,
Tahsil & District Nagpur.
- 2) Sau. Snehal W/o Subrato Kannao,
Aged about 39 years, Occ. - Nil,
r/o Plot No.10, Dattatray Society,
Vallabh Nagar, Manish Nagar,
Police Station Beltarodi, Nagpur.

.... **NON-APPLICANTS**

Mr. R.M. Pande, Advocate for the Applicants.
Mr. S.D. Sirpurkar, Addl.PP for the Non-applicant No.1.
Ms. S.S. Jachak, Advocate for the Non-applicant No.2.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATED : 23.06.2022

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. Following the complaint lodged by Non-applicant No.2 at the Police Station, Beltarodi Nagpur City, police registered an offence punishable under Section 498A read with Section 34 of the Indian Penal Code against the Applicants. Now, the Applicants as well as Non-applicant No.2 submit that they have amicably settled the dispute and in order to confirm the same, they have filed on record a joint Terms of Settlement in between them dated 22.04.2022. The Applicants and Non-applicant No.2 are personally present before the Court and they are identified by their respective counsel. They submit that all the terms and conditions mentioned in the Terms of Settlement have been voluntarily agreed upon by them and they would abide by the same.

3. Learned Additional Public Prosecutor submits that this is matrimonial dispute and therefore, appropriate order may be passed taking in view of the settled law.

4. Mr. Pande, learned counsel for the Applicants relies upon the case of *Madan Mohan Abbot Vs. State of Punjab, (2008) 4 SCC 582*

wherein, it has been held that when the dispute between the parties is of private nature and does not reflect upon the affairs of the society, the amicable settlement reached between the parties can be accepted and the offence arising out of such a dispute can be quashed by the Court in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

5. There is no doubt about the fact that the dispute is of the private nature and, therefore, we are of the view that it is squarely covered by the law declared by the Apex Court in the aforesaid case and also such other cases as *Gian Singh Vs. State of Punjab & Another*, (2012) 10 SCC 303, *B.S. Joshi & Others Vs. State of Haryana & Another*, (2003) 4 SCC 675, *State of Madhya Pradesh Vs. Laxmi Narayan & Others*, (2019) 5 SCC 688, *Parbatbhai Aahir Vs. State of Gujarat & Another*, (2017) 9 SCC 641 and *Narinder Singh & Others Vs. State of Punjab & Another*, (2014) 6 SCC 466.

6. In view of above, the Application is allowed in terms of prayer clause (i) which reads that as under :-

“by an appropriate writ, order and/or direction, quash the F.I.R. No. 16/2021, the Chargesheet No.90/2021 and the consequential criminal proceeding being Regular Criminal Case

No.3297/2021 (State of Maharashtra Vs. Subrato Shekhar Kannav & others) pending on the file of the learned Judicial Magistrate, First Class, Court No.8, Nagpur, in the interest of justice”.

This is, however, subject to the condition that the Petitioner shall pay the costs of Rs.15,000/- (Rs. Fifteen thousand only), which shall be deposited in the account of Central Prison, Nagpur for the purpose of development of library, within two weeks from the date of the order, failing which this order shall stand cancelled and the Application shall stand restore to the original file of this Court.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)