

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

CRIMINAL APPLICATION (APL) NO. 472 OF 2019

1. Rushikesh S/o Sudarshan Bhidkar,
Age about 35 years, Occ : Service,
2. Sudarshan S/o Rajaram Bhidkar,
Age about 69 years, Occ : Retired.
3. Usha S/o Sudarshan Bhidkar,
Age about 59 years, Occ : Household,

All are at present R/o, at Chikhali,
Navsari, Gujrat.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
through P.S.O. Karanja,
Dist. Washim.
2. Priyanka W/o Rushikesh Bhidkar,
aged about 31 years, Occ-Household,
R/o Vidhya Bharti Colony Karanja,
Th-Karanja, Dist-Washim.

... **NON-APPLICANTS**

Shri A. S. Band, Advocate for applicants.

Mrs. M. A. Barabde, Additional Public Prosecutor for non-
applicant No.1.

Shri A. P. Tathod, Advocate for non-applicant No.2.

**CORAM : V. M. DESHPANDE AND
G. A. SANAP, JJ.**

DATED : 14/01/2022

ORAL JUDGMENT : (PER V. M. DESHPANDE, J.)

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

2. Shri A.S. Band, learned counsel is representing the applicants, Mrs. M. A. Barabde, learned Additional Public Prosecutor is representing the State of Maharashtra, whereas Shri A.P. Tathod, learned counsel is representing non-applicant No.2 / original complainant.

3. The present proceedings under Section 482 of the Code of Criminal Procedure are filed for quashing the First Information Report and consequent registration of crime vide Crime No.0106/2019 by Police Station Karanja, Dist. Washim for the offence punishable under Sections 377, 498-A, 506 read with Section 34 of the Indian Penal Code.

4. The crime is registered in view of the report lodged by non-applicant No.2.

5. The applicant No.1 is husband of non-applicant No.2, whereas applicant Nos.2 and 3 are her parents-in-law.

6. The learned counsel for the applicants and the non-applicants stated before the Court that the parties have amicably settled their dispute. In view of this particular statement, the Court is not going into the detailed allegations made in the First Information Report.

7. The applicant No.1 and non-applicant No.2 are personally present in Court. The parties have also filed pursis along with the photocopy of Notarized document, which is in the nature of agreement for settlement of dispute, which is taken record and marked as Exh.“X” for the purpose of identification. Along with the said, photocopies of the cheques are also attached.

8. This Court personally enquired with non-applicant No.2/complainant regarding factum of settlement in between the husband and wife. The non-applicant No.2 specifically stated before the Court that on her own free will, the settlement had arrived at in between the parties. In view of that, she also accepted that she has received entire amount as agreed upon under the agreement. It is also reported to the Court that the parties have also filed the proceeding for mutual divorce before the Competent Court.

9. The dispute is personal in nature in between the husband and wife. When the parties have decided to bury their dispute and lead their future life amicably, we are of the view that this is a fit case wherein this Court exercises its inherent powers to

give the end to the prosecution which can be prejudicial to both the parties. Hence, we pass the following order :-

ORDER

- i] The application is allowed.
- ii] The First Information Report No. 0106/2019 registered with Karanja Police Station, Dist. Washim for the offence punishable under Sections 377, 498-A, 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside.
- iii] Rule is made absolute. No costs.

(G. A. SANAP, J.)

(V. M. DESHPANDE, J.)

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