

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.877 OF 2022

- 1) Ravi s/o Ramesh Bhowate,  
aged about 34 years,  
occupation : Pivate,
- 2) Vandana w/o Ramesh Bhowate,  
aged about 56 years,  
occupation : Housewife,

Both 1 and 2 r/o SECR Qrt. 31/1,  
Wanjari Nagar, Ajani, Nagpur.

... Applicants

- Versus -

- 1) State of Maharashtra, through  
Police Station Officer, Police Station,  
Mankapur, Nagpur.
- 2) Ragini w/o Ravi Bhowate,  
aged about 31 years, occupation :  
Housewife, r/o Plot No.98,  
Shramik Society, Uthhanagar,  
Gorewada Road, Police Station,  
Mankapur, Nagpur.

... Respondents

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Shri U.R. Phasate, Advocate for applicants.

Shri M.J. Khan, Additional Public Prosecutor for respondent no.1.

Shri B.D. Sachdev, Advocate h/f Shri S.G. Karmarkar, Advocate for  
respondent no.2.

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

DATED : JULY 21, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Heard Shri Phasate, learned Counsel for the applicants, Shri Khan, learned Additional Public Prosecutor for the respondent no.1, and Shri Sachdev, learned Counsel for the respondent no.2.

2) There is no dispute about the fact that the criminal case filed against the applicants on the basis of First Information Report registered as Crime No.156/2019 at Police Station, Mankapur, Nagpur has its genesis in the matrimonial dispute mainly between applicant no.1 and his estranged wife, i.e. respondent no.2. Now it is confirmed by both sides that their marriage has also been dissolved by mutual consent. As a part of the mutual consent given by the husband and wife, it has been agreed between them that even the criminal case initiated at the behest of the respondent no.2 shall be withdrawn by the respondent no.2.

3) The applicant no.1 and the respondent no.2, who are the main consenting parties, are personally present before the Court. They are duly identified by their learned Counsel. The applicant no.2 is mother of applicant no.1, but it is informed at the Bar by the learned Counsel for the applicants that she is not keeping well and,

therefore, could not personally attend this Court. But, she endorses the fact that there is an amicable settlement of dispute between applicant nos.1 and 2 on the one hand and respondent no.2 on the other. This is also endorsed to by the learned Counsel for the respondent no.2. The learned Additional Public Prosecutor submits that an appropriate order in such case may be passed.

4) Considering the fact that the dispute between the parties is of private nature, which has now been amicably settled and the rival parties vouch for the same, we find that this application can be allowed.

5) The criminal application is, therefore, allowed in terms of its prayer clause (ii), which reads as under :

*“(ii) by way of appropriate writ, order or direction quash and set aside the proceedings of Regular Criminal Case No.3813/2019 for the offences punishable under Section 498-A, 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act (State of Maharashtra Vs. Ravi Ramesh Bhowate and others), pending on the file of Judicial Magistrate, First Class, Nagpur.”*

6) Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE

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