

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

CRIMINAL APPLICATION NO.938/2022

1. Anup Purushottam Shelke,
aged 34 years, Occ. Service.
2. Purushottam Damodar Shelke,
aged 64 years, Occ. Agriculturist.
3. Sau. Nilima Purushottam Shelke,
aged 57 years, Occ. Household,
4. Ankush Purushottam Shelke,
aged 30 years, Occ. Service.

Resident of Karanja Bahiram,
Tq. Chandur Bazar, Dist. Amravati.

5. Sau. Swati Vishal Thakre,
aged 32 years, Occ. Household,
r/o Yash Colony, VMV Road,
Amravati, Dist. Amravati.
6. Dilip Damodar Shelke
aged 57 years, Occ. Business,
7. Sau. Seema Dilip Shelke,
aged 50 years, Occ. Household,
r/o Kiran Vihar, Paratwada,
Tq. Achalpur, Dist. Amravati.

.....APPLICANTS

...V E R S U S...

1. State of Maharashtra through,
PSO Police Station, Gadge Nagar,
Amravati, Tq. Amravati,
Dist. Amravati.
2. Sau. Ashwini Anup Shelke,
r/o Gurudeo Nagar, VMV Road,
Amravati, Dist. Amravati.

...NON APPLICANTS

Mr. D. S. Khushlani, Advocate for applicants.
Mr. M. K. Pathan, A.P.P. for non applicant no.1.
Mr. B. P. Kokate, Advocate for non applicant no.2.

CORAM:- ROHIT B. DEO & ANIL L. PANSARE, JJ.
DATED :- 26.09.2022

ORAL JUDGMENT (Per: Anil L. Pansare, J.)

Rule. Rule is made returnable forthwith. Heard finally
by consent of learned counsel for the parties.

2. Heard Mr. Khushlani, learned Counsel for the
applicants, Mr. Pathan, learned APP for non applicant no.1-State
and Mr. Kokate, learned counsel for non applicant no.2

3. By the present application, the applicants are seeking to
quash criminal case being R.C.C. No.1745/2021 pending before
the Judicial Magistrate First Class, Amravati arising out of Crime
No.2725/2021 registered with non applicant no.1 Gadge Nagar
Police Station, Amravati. The applicants have been arraigned in
R.C.C. No.1745/2021 which is now pending before the learned
Judicial Magistrate First Class, Amravati. The applicants have been
charge-sheeted for the offence punishable under Sections 498-A
read with Section 34 of the Indian Penal Code.

4. The application has been circulated before this Court on the ground that the matter has now been settled between the parties and that divorce petition by mutual consent has also been filed before the Family Court, Amravati. Accordingly, the applicants and non applicant no.2 have settled the matter and urged that the FIR lodged against applicants as well as criminal proceedings arising out of the said FIR may be quashed.

5. Non applicant no.2 who is present in the Court has filed her affidavit-in-reply, stating therein that FIR came to be registered because of matrimonial dispute that arose between applicants and non applicant no.2. According to her, the parties have amicably settled the dispute and have decided to take a divorce by mutual consent. Necessary petition has already been filed before the Family Court, Amravati. Non applicant No.2, therefore, does not wish to pursue the proceeding that arose out of the FIR registered with Gadge Nagar Police Station, Amravati against the applicants. Applicant no.1 is husband and applicant nos.2 to 7 are the in-laws of non applicant no.2. Non applicant no.2 in paragraph 4 of her affidavit-in-reply, clearly stated that she does not have any protest if this Court allows the present application of all the applicants herein.

6. We have interacted with the parties present before the Court, except for applicant no.6, who is not personally present before the Court. They have submitted in unison that the disputes have been amicably settled between the parties. The learned counsel for the parties would also submit that the parties have decided to put to rest the prolonged litigation and to live the peaceful life.

7. Having considered the material placed before us and having heard both the sides, it is quite obvious that the present dispute is within the family members. The dispute is private in nature and has no serious impact on the society though the element of cheating and forgery is involved. The parties intend to put to rest the disputes and difficulties that arose out marital relations and to live a peaceful life henceforth. The non applicant no.1 – State of Maharashtra has not placed on record any material to show that the applicants have any criminal antecedents. The settlement arrived at between the parties appears to be genuine. In the circumstances, it would be in the interest of justice that the settlement arrived at between the parties, is given effect to.

8. At the same time, costs is required to be saddled on the applicants and the non applicant no.2 for using the police and judicial mechanism for settling their personal disputes. Accordingly, we proceed to pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) Criminal Case being R.C.C.No.1745/2021 pending before Judicial Magistrate First Class, Amravati, arising out of Crime No.2725/2021, registered with non applicant no.1- Gadge Nagar Police Station, Amravati, for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code, is hereby quashed and set aside, subject to costs as follows.
- (iii) Collectively the applicants and non applicant no.2 shall pay costs of Rs.20,000/- (Rupees Twenty Thousand only) each to the High Court Legal Services Sub Committee, Nagpur within fifteen days from today. Receipt thereof be produced before the Court within four weeks from today.
- (iv) The application is disposed of in the above terms.

(Anil L. Pansare, J.)

(Rohit B. Deo, J.)

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Digitally signed by YOGESH
ARVIND KAHALE
Signing Date: 17.11.2022
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