

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

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CRIMINAL APPLICATION (APL) NO. 947/2022

1) Palash s/o Purushotam Darokar and others ..Applicants

versus

1) The State of Maharashtra & another ..Respondents

.....
Mr. R.R.Prajapati, Advocate for Applicants

Mr. M.J.Khan, Additional Public Prosecutor for Respondent No.1

Ms. Renuka Sirpurkar, Advocate for Respondent No.2
.....

CORAM: SUNIL B. SHUKRE &

G.A. SANAP, JJ

DATED : 22nd July, 2022.

P.C. :

Heard.

2. Perused the Application and the affidavit-in-reply filed by the Respondent No.2. We have also gone through the judgment and order dated 13th June, 2022 delivered in a petition filed under section 13-B of the Hindu Marriage Act, 1955 by the learned Judge, Family Court No.4, Nagpur.

3. The judgment of the Family Court shows that now the marriage between the applicant No.1 and Respondent No.2 has been dissolved by the decree of divorce passed on the basis of mutual consent of the parties to the marriage. The allegations made

in the FIR indicate that there was an internecine matrimonial dispute between the applicant no.1 on one hand and respondent No.2 on the other, the heat of which was also felt by the applicant Nos.2,3,4 and 5. But now with the dissolution of the marriage and also the withdrawal of the allegations by respondent no.2, the matrimonial dispute has been virtually extinguished, and now there is also settlement reached between the parties. In any case, the dispute does not have and can never have any public dispute characteristic. We are, therefore, inclined to allow the Application.

4. Apart from what is stated above, the applicant Nos. 1 to 4 who are personally present before the Court and who have been identified by their learned counsel and also the learned counsel for respondent no.2 have stated that the settlement has been reached between the parties amicably and voluntarily.

5. The learned APP submits that an appropriate order in the matter be passed.

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

(i) Quash and set aside the FIR lodged by the non-applicant no.2 under section 498A, 323, 294, 504, 506, 34 of IPC r/w. Section 3(1)(r), 3(1)(s), 3(2)(5a) of Prevention of Scheduled Castes and Scheduled Tribes

(Atrocity) Act with the non-applicant no.1 against applicant No.1 to 5 on 30.6.2021 bearing FIR No. 282/2021 and final charge-sheet dt. 6.10.2021 bearing No. 82/2021, registered as Special Case no.560/2021 (Annexure A) pending before learned District Judge-10 and ASJ Nagpur.”

sahare

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]