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

CRIMINAL APPLICATION (APL) NO.1014 OF 2021

1. Anand s/o Devendra Dekate,
Aged about 33 years, occupation private.
2. Sou.Manda w/o Devendra Dekate,
Aged about 62 years, occupation household.
3. Devendra s/o Uddhavrao Dekate,
Aged about 67 years, occupation nil.
4. Sachin s/o Devendra Dekate, aged
about 32 years, occupation private.

All r/o Bela, tahsil Umred, district Nagpur. **Applicants.**

:: VERSUS ::

1. State of Maharashtra, through
Police Station Officer, Police
Station Nandanwan, Nagpur,
District Nagpur.

2. Sou.Priti w/o Anand Dekate, aged
about 29 years, occupation household,
R/o c/o Vijayrao Nandankar, plot
No.165, Chandrabhaga Nagar,
Shivaji Nagar, Hudkeshwar,
Nagpur. **Non-applicants.**

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Mrs.Manju Ghatode, Counsel for Applicants.
Shri N.Meshram, Counsel for Non-applicant No.2.
Shri T.A.Mirza, Additional Public Prosecutor for Non-applicant
No.1/State.

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CORAM : **ROHIT B.DEO & URMILA JOSHI PHALKE, JJ.**
DATE : **OCTOBER 20, 2022**

ORAL JUDGMENT (Per : Urmila Joshi-Phalke, J.)

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1. Heard learned counsel Mrs.Manju Ghatode for applicants, learned counsel Shri N.Meshram for non-applicant No.2, and learned Additional Public Prosecutor Shri T.A.Mirza for non-applicant No.1/State. **Rule.** Rule made returnable forthwith and heard finally.

2. The applicants have preferred this application under Section 482 of the Code of Criminal Procedure for quashing First Information Report No.586/2018 registered with Nandanwan Police Station, District Nagpur for offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and under Section 3 of the Dowry Prohibition Act. After investigation, chargesheet was also filed and applicants had prayed for quashment of the said charge-sheet.

3. Non-applicant No.2 - Sou.Priti w/o Anand Dekate had lodged report against applicants on an allegation that her marriage is solemnized with applicant No.1 Anand s/o Devendra Dekate and applicant Nos.2 to 4 are her in-laws. After marriage, she was ill-treated by demanding amount for purchasing a flat and construction of a plot. On the basis of the said report, police registered the offence.

4. During pendency of the application, applicants and non-applicant No.2 arrived at an amicable settlement. Both parties

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have decided to dissolve the marriage between applicant No.1 and non-applicant No.2. Out of the said settlement, non-applicant No.2 agreed to accept Rs.10,35,000/- towards permanent maintenance.

5. The applicants and non-applicant No.2 are present before the Court. We personally interacted with non-applicant No.2 and she accepted terms and conditions agreed before the Family Court. Considering the amicable settlement between the parties and both parties have decided to dissolve the marriage, no purpose will be served by compelling applicants to face the prosecution. However, considering that entire police machinery was set into motion by non-applicant No.2 during this period and now both have decided to dissolve the marriage, application deserves to be allowed subject to costs.

6. In this view of the matter, we pass following order :

ORDER

1) The criminal application is allowed.

2) First Information Report No.586/2018 registered with Nandanwan Police Station, District Nagpur for offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and under Section 3 of the Dowry Prohibition Act and chargesheet

Judgment

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are quashed and set aside subject to costs of Rs.20,000/- by applicant No.1 and non-applicant No.2 each to be deposited with the Registry of this Court today itself.

3) Needless to mention that this order shall not come into effect, till the above mentioned costs is deposited.

With this, the criminal application stands disposed of.
Rule is made absolute in above said terms.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B.DE0, J.)

!! BrWankhede !!

**BHUSHAN
RANA
WANKHEDE**

Digitally signed
by BHUSHAN
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2022.10.20
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