

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

...

CRIMINAL APPLICATION (APL) NO. 1258/2022

1) Himesh Ramesh Jakatdar and others .. Applicants

versus

1) The State of Maharashtra and another .. Respondents

.....
Ms.E.S. Sahasrabuddhe, Advocate for the applicants

Mr.T.A. Mirza, APP for respondent 1

Mr. R.K.Gadiwan, Advocate for respondent no.2

.....

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

DATED : 30th September, 2022.

P.C. :

The applicants are seeking quashment of proceeding in FIR No.815/2021 dated 21.10.2021 and charge sheet No. 56/2022 dated 21.03.2022 in Crime No. 815/2022 registered against them, by non-applicant 1/State, under section 498A, 323, 504, 506 of the Indian Penal Code read with section 4 of the Dowry Prohibition Act.

2. The learned counsel for the parties before us would submit that the matter has been amicably settled and, therefore, the first information report and the charge-sheet registered against the applicants may be quashed and set aside.

3. The applicant no.1 as well as the complainant i.e. respondent no.2 are personally present in the Court. The

complainant confirms that the matrimonial dispute is amicably settled between them. Para Nos. 11 and 12 of the Application reads thus :

“11. That, the Respondent No.2 does not wish to proceed further with FIR No. 815/2021 and the charge-sheet arising therefrom, has, therefore, moved the present application before this Hon’ble Court, in concurrence with the applicants. Since the Respondent No.2 does not want to proceed further with her case, the possibility of conviction is bleak, and continuation of the criminal case would put the applicants (org.accused) to great oppression, prejudice and extreme injustice would be caused to them if the said criminal proceedings is not quashed.

12. That, since the applicant No.1 and Respondent No.2 intend to resolve their dispute amicably before the learned Mediator, Mediation Center, Hon’ble Bombay High Court, Nagpur Bench, no fruitful purpose would be achieved by allowing the criminal proceedings to continue against the applicants(Org.accused No.1 to 5). The continuation of the proceeding will adversely affect the personal lives and relations of the applicant No.1 and Respondent No.2 and the bitterness will spoil their relations.”

4. From the above assertions, it is clear that the complainant has no grievance whatsoever against the applicant nos. 1 to 5 and she does not want to proceed with the criminal case and that she has no objection for setting aside the FIR bearing No. 815/2021.

5. We have interacted with the applicant no.1 as well as the non-applicant/respondent no.2. We are satisfied that the matter has indeed been settled between the parties. The present dispute arises out of matrimonial relationship. The dispute is private in nature and has no serious impact on the society. The parties intend to put to rest the disputes and difficulties that arose out of marital relations and to live peaceful life henceforth. Out of the wedlock they have a male child. Presently the applicant no.1 is serving at Pune, whereas the non-applicant no.2 is residing at Khamgaon. She will be joining her husband for cohabitation at Pune in the month of October, 2022. In our view both the parties have taken a wise decision and put to rest all the pending litigations and start a fresh inning of marriage.

6. In this view of the matter, we quash the proceedings in FIR No.815/2021 dated 21.10.201 and the charge-sheet No.56/2022 dated 21.03.2022 registered against the applicants for offences punishable u/ss. 498A, 323, 504, 506 of the Indian Penal Code r/ws. 4 of the Dowry Prohibition Act, and all pending proceedings /litigations between them.

7. Usually we impose cost upon the applicants and respondent for involving police machinery to spend time in investigating the case, but we desist from doing here, as the parties have decided to live together. No costs.

8. The Criminal Application stands disposed of.

[ANIL L.PANSARE, J.]
sahare

[ROHIT B. DEO, J.]