

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

CRIMINAL APPLICATION (APL) NO. 1138 OF 2019

1. Sunil Bhanudas Page,
Aged about 35 yrs.,
Occ : Service, R/o Bhivapur
Ward, Near Nurani Masjid,
Chandrapur, Tah. and Dist.
Chandrapur.
2. Bhanudas Mlayya Page,
Age 62 yrs., Occ : Retired,
R/o. Bhivapur Ward,
Near Nurani Masjid,
Chandrapur, Tah. and Dist.
Chandrapur.
3. Kamalabai Bhanudas Page,
Aged about 55 yrs.,
Occ : Household work,
R/o Bhivapur Ward,
Near Nurani Masjid,
Chandrapur, Tah. and Dist.
Chandrapur.
4. Sangita Bhanudas Page,
Aged about 28 yrs.
Occ : Student, R/o Bhivapur
Ward, Near Nurani Masjid,
Chandrapur, Tah. and Dist.
Chandrapur.
5. Sunanda Bhanudas Page,
Aged about 32 yrs.,
Occ : Household work,
R/o Bhivapur Ward,
Near Nurani Masjid,
Chandrapur, Tah. and Dist.
Chandrapur.

... **APPLICANTS**

// VERSUS //

1. State of Maharashtra,
Through Police Station
Officer, Chandrapur City,
Chandrapur, Tah. and Dist.
Chandrapur.
2. Sau. Swati Sunil Page,
Aged about 28 yrs.,
Occu : Household work,
R/o. Mr. Santosh Deshkar,
Pathan Pura Ward, Milind
Nagar, Chandrapur.

... **NON-APPLICANTS**

Shri A. V. Band, Advocate for applicants.
Shri T. A. Mirza, Additional Public Prosecutor for non-applicant No.1.
Shri S. V. Sirpurkar, Advocate for non-applicant No.2.

CORAM: A.S. CHANDURKAR &
G. A. SANAP, JJ.
DATED : 21/02/2022

ORAL JUDGMENT : (PER G. A. SANAP, J)

1. Heard. **Admit.**
2. The criminal application is filed by the applicants for quashing the First Information Report in Crime No. 1582/2017 registered by the Police Station Officer, Police Station, Chandrapur (City) and the further proceedings on filing of charge sheet namely; R.C.C. No.32/2018 pending on the file of Judicial Magistrate, First Class, Chandrapur for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The necessary facts in support of prayer for quashing of charge-sheet / Final Report No.4/2017 have been set out in the application. The non-applicant No.2 appeared through Advocate Shri S.V.Sirpurkar. The learned Advocate for non-applicant No.2 submits that recently, non-applicant No.2 has not contacted him. In order to bring to the notice the recent development in the form of change in circumstances, the learned Advocate for the applicants has placed on record the copy of H.M.P. No.427/2021 filed in the Court of Civil Judge, Senior Division, Chandrapur along with documents. On the basis of petition and documents, the learned Advocate submitted that the husband and wife have amicably settled the matter. The applicant No.1 issued a cheque. The non-applicant No.2 has acknowledged the receipt of cheque and other articles. The acknowledgment is dated 17/12/2021. The copy of petition with the relevant documents is marked as Article "A".

4. Perusal of copy of divorce petition would show that the parties have decided to mutually separate from each other and accordingly, they prayed for decree of divorce.

5. The learned Advocate for non-applicant No.2 submits that non-applicant No.2 has not contacted him. The material placed on record clearly indicates that the husband and wife have amicably settled their dispute. The failure on the part of non-applicant No.2 to attend the Court clearly indicates that she is not interested in the litigation. In this background, criminal prosecution would be a sheer harassment to the applicants. The continuation of the prosecution in view of settlement between the parties would be exercised in futility. No purpose would be served by keeping the proceedings pending against the applicants. In view of the facts stated in the application and particularly, the nature of crime and subsequent settlement, we deem it appropriate to accept the submissions advanced by the learned Advocate for the applicants. The charge sheet / R.C.C. No.32/2018 needs to be quashed. We accordingly pass the following order :-

ORDER

- i] The criminal application is allowed.
- ii] The proceedings of R.C.C. No.32/2018 pending against the applicants in the Court of learned Judicial Magistrate, First Class, Chandrapur are quashed and set aside.

iii] The criminal application is disposed of in above terms with no order as to costs.

6. In view of disposal of Criminal Application (APL) No.1138/2019, pending applications, if any, are disposed of accordingly.

(G. A. SANAP, J.)

(A.S. CHANDURKAR, J.)

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