

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

CRIMINAL APPLICATION (APL) NO.1676/2022

1. Hardik S/o Benugopal Bodalkar (husband),
aged about 32 Yrs., Occ. Private Job.
2. Benugopal S/o Rajeshwar Bodalkar
(father-in-law), aged about 66 Yrs.,
Occ. Retired.
3. Shashikala W/o Benugopal Bodalkar,
(mother-in-law), aged about 58 Yrs.,
Occ. Housewife.
4. Abhinandan S/o Benugopal Bodalkar,
(brother-in-law), aged about 30 Yrs.,
Occ. Private Job.
5. Sau. Minakshi W/o Abhinandan Bodalkar
Knee Ku. Nilakshi Boro (sister-in-law),
aged about 30 Yrs., Occ. Private Job.

All applicant Nos.1 to 5 are R/o Kamgar
Nagar, Rampur, Sasti Society, Rajura,
Tq. and District Chandrapur 442 905.

... Applicants.

- Versus -

1. State of Maharashtra,
through Police Station Officer,
Police Station Rajura, Tahsil
& District Chandrapur.
2. Sau. Pooja W/o Hardik Bodalkar
(wife) (Knee Ku. Pooja D/o Pandurang
Kakde), aged about 30 Yrs.,

Occ. Advocate, R/o Kamgar Nagar,
Rampur, Sasti Society, Rajura, Tq.
& District Chandrapur 442 905. ... Non-applicants

Mr. S.B. Raut, Advocate for the applicants.
Mrs. K.S. Joshi, A.P.P. for non-applicant No.1.
Mr. B.A. Bhendarkar, Advocate for non-applicant No.2.

**CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, JJ.
DATE : 23.12.2022**

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard Mr. S.B. Raut, learned counsel for the applicants, Mrs. K.S. Joshi, learned A.P.P. who appears by waiving notice for non-applicant No.1 and Mr. B.A. Bhendarkar, learned counsel who appears by waiving notice for non-applicant No.2.

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

3. Applicant No.1 and non-applicant No.2 both are present before the Court and they are identified by their respective counsel.

4. Learned counsel for non-applicant No.2 has produced before the Court affidavit of non-applicant No.2 which is in consonance with the settlement which the husband and wife have arrived at. According to the settlement in between them, the husband and wife, who were living separately on account of the matrimonial differences, have resolved their differences and now they are living at rented house. They have also decided that they would withdraw the allegations, complaints and counter complaints filed by them against each other. The wife has decided to withdraw the F.I.R. / Crime No.450/2021 with chargesheet consequently filed. The statements made in the affidavit filed by non-applicant No.2 are in line with the settlement filed on record. The applicant No.1 and non-applicant No.2 state that the terms

and conditions of the settlement are acceptable to them which has been reached in between them voluntarily.

5. Considering the present situation in which the husband and wife have arrived at settlement and also the fact that the husband and wife have decided to move together in life with peace and harmony, it is necessary that inherent power of this Court is exercised in this case. Accordingly, the application is allowed and we direct that Chargesheet No.49/2022 registered as Regular Criminal Case No.77/2022 pending before the Court of Judicial Magistrate First Class Rajura, District Chandrapur and Crime No.450/2021 are hereby quashed and set aside subject to the condition that the applicant No.1 and non-applicant No.2 shall jointly deposit the amount of ₹15,000/- (Fifteen Thousand) as costs in the account of office of the Government Pleader, Bombay High Court, Bench at Nagpur so as to form part of library funds for the development of library, including the purpose of providing necessary electronic / digital equipments and gazettes to specially abled Prosecutors / A.G.Ps. within a period of two weeks from the date of this order and judgment,

failing which the costs shall be recovered by the Registry through due process of law treating this as fine imposed by this Court.

6. Rule is made absolute in the above terms.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)