

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

CRIMINAL APPLICATION (APL) NO. 59 OF 2023

1. Rahul @ Damdev s/o Gunawantrao Charde, Aged 27 years, Occ. : Govt. Servant, R/o. Karmachari Vasahat, Girvi Naka, Phaltan, Tq. Phaltan, District Satara.

2. Pravin s/o Gunawantrao Charde Aged 29, Occ.: Private Service, R/o. Karmachari Vasahat, Savli, Tq. Savli, District – Chandrapur.

3. Nilima w/o Pravin Charde Aged 29, Occ.: Govt. Service, R/o. Karmachari Vasahat, Savli, Tq. Savli, District – Chandrapur.

4. Gunwantarao s/o Nagorao Charde Aged 58, Occ.: Labour, R/o. Neharu Nagar, Tq. Ghatanji, District – Yavatmal.

5. Nanda w/o Ganwantarao Charde Aged 52, Occ.: Household, R/o. Nehru Nagar, Tq. Ghatanji, District – Yawatmal.

6. Bhola s/o Nagorao Charde Aged 45, Occ.: Pan Shop, R/o. Nehru Nagar, Tq. Ghatanji, District – Yawatmal.

7. Lata w/o Manohar Charde Aged 45, Occ.: Housewife, R/o. Neharu Nagar, Tq. Ghatanji, District – Yawatmal.

.. Applicants

Versus

1. State of Maharashtra Through Police Inspector, Police Station Manakapur, Nagpur.

2. Komal w/o Rahul Charde Aged 23 years, Occ.: House wife, C/o. Prabhakar Malkapure, Plot No.55, Lakshminagar, Zingabai Takali, Nagpur.

.. Non-applicants

Mr. P.S. Wathore, Advocate for applicants.
Ms. Mayuri Deshmukh, APP for non-applicant No.1/State.
Ms. Shreshtha Rao, Advocate for non-applicant No.2.

CORAM : **VINAY JOSHI, AND**
VALMIKI SA MENEZES, JJ.

DATED : 19.01.2023

Oral Judgment : (PER : Vinay Joshi, J.)

Heard finally by consent of the learned counsel appearing for the rival parties.

(2) The applicant No.1 is the husband of non-applicant No.2 and applicant Nos.2 to 7 are relatives of husband of non-applicant No.2-lady, who seeks to quash FIR bearing Crime No.249/2017, registered with Police Station Mankapur, District-Nagpur and related criminal case bearing Regular Criminal Case No.1352/2018 is pending on the file of Additional Chief Judicial Magistrate, Nagpur.

(3) The couple got married on 27.05.2017 and within few days from marriage there happened to be matrimonial discord on account of dispute on several grounds. The non-applicant No.2-wife has lodged aforesaid report with the police, on which crime was

registered for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and under Section 3 & 4 of the Dowry Prohibition Act, 1961. The police completed investigation and charge-sheet has also been filed in the Court of jurisdictional Magistrate.

(4) In said criminal proceeding, all applicants have appeared and by passage of time both sides realize that there is no purpose in fighting the litigation. On the say and advice of well-wishers, both sides have settled the matter out of Court. It was decided that the husband would pay total sum of Rs.12,00,000/- (Rs.Twelve Lakhs Only) to the wife towards full and final settlement and the parties would get decree of divorce by mutual consent.

(5) Accordingly, a compromise memo has been prepared and filed in the Family Court No.3, Nagpur, of which copy is part of this petition. It is informed that as per settlement, already wife has got entire amount of Rs.12,00,000/- (Rs.Twelve Lakhs Only) as well as Family Court has also passed a decree of divorce on 23.12.2022. As per terms, the parties have decided to withdraw all the proceedings pending against each other.

(6) The non-applicant No.2 – wife is personally present in Court and has been identified by respective counsel. We have personally enquired with non-applicant No.2 – wife, about the settlement, on which, she understood fully and submitted that she has already received amount of Rs.12,00,000/- (Rs.Twelve Lakhs Only) and a decree of divorce has been passed. She has also informed that in view of settlement, she does not wish to prosecute the criminal case, which is pending in the Court of Additional Chief Judicial Magistrate, Nagpur.

(7) The couple is quite young, who do not have an issue from marriage. Both are desirous to marry elsewhere and settled in their life. In the circumstances, there is no purpose in requiring parties to face the trial as it would be a futile exercise. In the circumstances, we find that this is a fit case to exercise our inherent jurisdiction.

(8) In view of that, the petition is allowed. We hereby quashed and set aside the FIR bearing Crime No.249/2017 registered with Police Station Mankapur, Nagpur, for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code, Section 3 & 4 of the Dowry Prohibition Act, 1961, and related criminal

case namely Regular Criminal Case No.1352/2018, pending on the file of Additional Chief Judicial Magistrate, Nagpur.

(9) Petition stands disposed of in above terms.

[VALMIKIA MENEZES, J.]

[VINAY JOSHI, J.]

Prity