

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

CRIMINAL APPLICATION NO.183 OF 2022

1. Vaibhav s/o Bhimrao Ingole, aged about 33 years, Occupation : Interior Designer and Builder.
2. Bhimrao s/o Shamrao Builder, Aged 62 years, Occ – Builder.
3. Rekha w/o Bhimrao Ingole, Aged about 55 years, occ. Housewife.
4. Hemant s/o Bhimrao Ingole, aged – 35, Occ. Service,
5. Ankita w/o Hemant Ingole, Aged – 32 years, Occ. Housewife

All R/o Hari Om Colony, Near Water Tank,
 Near Gajanan Maharaj Mandir, In front
 of Amravati – 444 607

... APPLICANTS.

VERSUS

1. State of Maharashtra, through
 P.S.O., P.S. Rajapeth, Tq.&District
 Amravati.
2. Mrs. Tanushree w/o Vaibhav Ingole,
 aged about 25 years, Occ. Service,
 r/o Kakkad Layout, Sai Krupa
 Colony, Sai Nagar, Amravati, Tq. And
 Distt. Amravati.

... NON-APPLICANTS

Shri P.V. Navlani, Advocate for the applicants.
Shri D.N. Mudgale, Advocate for non-applicant no.2.
Shri Thakre, A.P.P. for the non-applicant/State.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 17/03/2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

On oral request, leave is granted to the applicants to add one more ground in the application regarding the settlement in between the parties. Amendment be carried out forthwith.

2. Heard finally by consent of learned Counsel appearing for the respective parties. The matter has already been admitted by this Court on 01.03.2022.

3. At the instance of report dated 10.12.2021 lodged by the non-applicant no.2/wife, the First Information Report vide Crime No.1456 of 2021 has been registered with the Rajapeth Police Station, Amravati City for the offence punishable under Sections 377, 498-A of the Indian Penal Code against the applicants, who are the husband and relatives of the husband. Initially the applicants have challenge the

registration of crime on merits by submitting that the contents are false and it does not make out a case to be proceeded. During pendency, the couple arrived at settlement and therefore with permission of this Court, the applicant amended the application and now, seeking to quash the First Information Report on the basis of mutual settlement.

4. The couple got married on 27.08.2021, but marriage proved to be unworkable. Due to differences, both were atleast in agreement on the point that they cannot live together. With the intervention of family members and relatives, they decided to severe matrimonial ties in the interest of both as they are desirous to lead their further life as per their choice. The couple has no issue. In view of settlement, both have applied to the Family Court, Amravati for a decree of divorce by mutual consent. It was agreed that the wife shall retain all the valuable including ornaments and the husband would pay Rs.3,25,000/- towards permanent alimony. In view of settlement, the agreed sum was deposited by the husband in the Family Court which the wife was supposed to withdraw after passing a decree of divorce.

5. Today, the non-applicant no.2/wife is present before us. She is identified by her counsel. The wife has also filed a reply affirming the settlement and her non-inclination to prosecute the criminal case. We

have inquired with the wife, who has agreed about the settlement, receipt of all ornaments and also deposit of agreed sum in the Family Court. In addition to that, photocopy of Demand Draft has been tendered on record.

6. The offence is of domestic nature, which has no social impact. For the betterment of both, they have decided to separate and set at rest all the disputes. In the circumstances, continuation of such prosecution would be exercise in futility. In view of above, we deem it fit to invoke our inherent powers.

7. The Criminal Application is allowed and disposed of. We hereby quash and set aside the First Information Report vide Crime No.1456 of 2021 registered with the Rajapeth Police Station, Amravati City for the offence punishable under Sections 377, 498-A of the Indian Penal Code.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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