

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

CRIMINAL APPLICATION [APL] NO. 178 OF 2023.

1.Mangesh s/o Suresh Pund,
Aged about 37 years,
Occupation - Private,

2.Sureshrao s/o Vitthalrao Pund,
Aged about 63 years,
Occupation – retired.

3.Sau. Mina w/o Sureshrao Pund,
Aged about 60 years,
Occupation – Household,

All residents of Plot No.41,
Shriram Nagar, Behind Parate Petrol
Pump, New Dighori Naka,
Umred Road, Nagpur.

...

APPLICANTS.

VERSUS

1.The State of Maharashtra,
Through Police Station Officer,
Hudkeshwar, Nagpur,
District Nagpur.

2.Sau. Mayuri w/o Mangesh Pund,
Aged 29 years, Occupation – Service,
resident of c/o. Dilip Sontakke,

Rgd.

Plot No.24, Khobragade Layout,
Sarvashri Nagar, Umred Road,
Dighori, Nagpur, District Nagpur.

... **NON-APPLICANTS.**

Mr. D.V. Mahajan, Advocate for Applicants.
Ms. M. Deshmukh, A.P.P. for Non-applicant No.1/State.
Mr. C.D. Raut, Advocate for Non-applicant No.2.

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

DATE : FEBRUARY 08, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Considering the controversy involved in the matter, and by consent of the learned Counsel appearing for the respective parties, Criminal Application is taken up for final disposal at the stage of admission by issuing **Rule**, making the same returnable forthwith.

2. On earlier date we have taken note about settlement of the dispute between the couple and also verified the contents of

settlement from non-applicant no.2 informant. The matter was postponed only to ensure about the compliance of some commitments made by the husband towards wife.

3. Today learned Counsel for applicants has filed a Pursis informing that the agreed sum of Rs.5.50 lakhs has been paid directly to the informant of which photocopy of the demand draft coupled with signature of the informant has been produced. Moreover, he has produced a list of articles which have been delivered to the informant, bearing her signature thereon.

4. The learned Counsel for non-applicant no.2 – informant is present and accepts that entire compliance has been made, as well as a decree of divorce has also been passed.

5. In the circumstances we find that it is a matrimonial dispute between the parties which has been settled for ever. The informant lady do not wish to prosecute crime No. 128/2016 which resulted into R.C.C. No.2371/2016 pending on the file of the Judicial

Magistrate First Class, Nagpur. It is informed that yet charges have not been framed. It is purely a domestic dispute and as the matter is settled no purpose would be served in continuation of the criminal trial. In view of that, we hereby quash and set aside Crime No.128/2016 registered with non-applicant no.1 – Hudkeshwar Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, and related Criminal Case bearing R.C.C.No. 2371/2016.

6. Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE

JUDGE