

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

CRIMINAL APPLICATION (APL) NO. 363/2023

1. Shri Praful S/o. Pradeep Godshalwar,
A/o. 29 yrs., Occ. Business,
2. Pradeep S/o. Vasantrao Godsalwar,
A/o. 58 yrs., Occ.
3. Pratiksha w/o. Pradeep Godsalwar
A/o. 53 yrs., Occ. Household,

All 3 R/o. "Safalya Heritage – 2, Flat No. 203,
Besa, Behind Bank of India, Beltarodi,
Khapari, Nagpur – 441 108.

APPLICANTS

VERSUS

1. State of Maharashtra,
through P.S.O. P.S. Bajaj Nagar,
Nagpur.
2. Mrs. Aishwarya w/o. Parul Godshalwar,
A/o. 28 yrs., Occ. Pvt. Service,
A/o. Plot No. H-08, Flat No. 06,
"Purva" Building, near Bal-Jagat,
Aath Rasta, Laxmi Nagar, Nagpur.

NON-APPLICANTS

Mr. P P Wankhade, Advocate for applicants.
Mr. V. A. Thakare, APP for non-applicant No. 1.
Mr. A. M. Vyas, Advocate for non-applicant No.2.

CORAM

: VINAY JOSHI AND
BHARAT P. DESHPANDE JJ.

DATE OF JUDGMENT

: 15.03.2023

JUDGMENT (PER VINAY JOSHI, J.)

Heard.

2. **Admit.**

3. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash First Information Report ('FIR') in Crime No. 265/2022 for the offence punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code registered at Police Station Bajaj Nagar, Nagpur.

4. Non-applicant No. 2 has filed the report alleging the matrimonial harassment against her husband and parents-in-law. In the meantime, with the aid and advise of friends and relatives, the parties have settled the dispute. With the mediation of relatives, the parties have decided to sever matrimonial ties so as to lead their future life as per their choice. In view of settlement, they had applied to the Family Court for divorce by mutual consent in terms of Section 13-B of the Hindu Marriage Act. The wife has waived the right of maintenance as she is educated and earning.

5. The informant is present before us who is identified by her Advocate. We have inquired with the informant, on which she accepted about the settlement and expressed her non-inclination to prosecute the criminal case which may arise out of concerned crime. She has also filed affidavit to that effect.

6. It is a domestic dispute which has no social impact. The offence cannot be termed as of anti-social or of heinous nature. Both have decided to live separately to lead their life as per their choice. In view of that, we deem it appropriate to invoke our inherent jurisdiction. Application is hereby allowed.

7. We hereby quash and set aside FIR in Crime No. 265/2022 for the offence punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code registered at Police Station Bajaj Nagar, Nagpur

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

Gohane

JITENDRA
BHARAT
GOHANE

Digitally signed by
JITENDRA BHARAT
GOHANE
Date: 2023.03.16
17:36:14 +0530