

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

CRIMINAL APPLICATION (APL) NO. 297 OF 2023

- APPLICANTS :**
1. Ankit s/o Pralhadrao Godale,
Aged about 31 years,
Occ - Service,
 2. Sushma w/o Pralhadrao Godale,
Aged about 54 years,
Occ - Housewife,
 3. Pralhadrao s/o Narayan Godale,
Aged about 64 years, Occ. : Nil,
- All r/o Near Ravi Nagar,
Chhangani Nagar, Amravati,
Tq. & Dist. Amravati - 444607.

VERSUS

- NON-APPLICANTS :**
1. State of Maharashtra
Through Police Station Officer,
Police Station, Frezarpura,
Amravati Tq. & Dist. Amravati.
 2. Pooja w/o Ankit Godale,
Aged about 24 years,
Occ. : Household,
R/o. Mudliyar Nagar,
Near Prakash Gadi Karkhana,
Amravati, Tq. & Dist. Amravati.

AND

CRIMINAL APPLICATION (APL) NO. 298 OF 2023

- APPLICANTS :**
1. Ankit s/o Pralhadrao Godale,
Aged about 31 years,
Occ - Service,
 2. Sushma w/o Pralhadrao Godale,
Aged about 54 years,
Occ - Housewife,

Both r/o Near Ravi Nagar,
Chhangani Nagar, Amravati,
Tq. & Dist. Amravati - 444607.

V E R S U S

- NON-APPLICANTS :**
1. State of Maharashtra
Through Police Station Officer,
Police Station, Rajapeth,
Amravati Tq. & Dist. Amravati.
 2. Pooja w/o Ankit Godale,
Aged about 24 years,
Occ. : Household,
R/o. Mudliyar Nagar,
Near Prakash Gadi Karkhana,
Amravati, Tq. & Dist. Amravati.

Shri Y. P. Bhelande, Advocate for applicants.

Ms. Mayuri Deshmukh, Additional Public Prosecutor for respondent No.1.

Shri P. S. Thakur, Advocate for respondent No.2.

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

DATED : 22/02/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.

2. Both applications are seeking to quash FIR in Crime No.1588/2021 along with Criminal Case bearing RCC No.872/2022 and FIR in Crime No.195/2022 along with related RCC No.689/2022.

3. Applicant - Ankit is husband, Sushma is mother-in-law and Pralhadrao is father-in-law of the informant lady. The marriage between the couple took place on 16/02/2021 which did not run smoothly. Initially, informant lady lodged report bearing Crime No.1588/2021 for the offences punishable under Section 498-A, 352, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961. Later on, she again filed another report bearing Crime No.195/2022 for the offences punishable under Sections 323, 324 and 504 read with Section 34 of the Indian Penal Code against her husband and mother-in-law. In both proceedings, police investigated and filed charge sheet in the Court of Jurisdictional Magistrate.

4. In the meantime, the parties have amicably settled the differences with the intervention of friends and relatives. Both were in agreement that the marriage would not run and thus, they decided to sever matrimonial ties. Both have jointly applied to the Family Court for grant of divorce by mutual consent. In said petition, they have filed the terms of settlement, wherein husband has agreed to return various articles of wife on which the wife agreed to co-operate in quashing both criminal proceedings.

5. Today, the informant of both crimes is present before us and she is identified by her Advocate Shri P. S. Thakur. On enquiry, the informant stated that she has already received the articles as agreed and she has no objection to quash both criminal proceedings since the matter has been settled.

6. Basically, it was a matrimonial dispute which has been settled. The offences are of personal nature having no social impact. Both spouses are young and decided to separate from each other. In the circumstances, there is no purpose in continuing the criminal cases as it would be an exercise in futility. Having regard to the above peculiar facts, we deem it appropriate to exercise our inherent powers vested in terms of Section 482 of the Code of Criminal Procedure.

7. Both applications are allowed. We, therefore, quash and set aside Crime No.1588/2021 registered with Frezarpura Police Station, Amravati along with related Criminal Case bearing RCC No.872/2022 as well as Crime No.195/2022, registered with Rajapeth Police Station along with related Criminal Case bearing RCC No.689/2022.

8. Both applications are disposed of.

9. The applications pending if any, stand disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

Choulwar

VITHAL
MAROTRAO
CHOULWAR

Digitally signed by
VITHAL MAROTRAO
CHOULWAR
Date: 2023.02.24
12:39:59 +0530