

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

CRIMINAL APPLICATION (APL) NO.423 OF 2023

1. Sagar s/o Prabhakar Ninave, aged about – 32 years, Occupation : Service, R/o Plot No. 38A, Mahalaxmi Nagar, Lane No. 2, Manewada Road, Nagpur.
2. Sau Kalavati Prabhakar Ninave, aged about – 58 years, Occupation : Service, R/o Plot No. 38A, Mahalaxmi Nagar, Lane No. 2, Manewada Road, Nagpur
3. Shri Prabhakar Ukanthrao Ninave, about – 68 years, Occupation : Service, R/o Plot No. 38A, Mahalaxmi Nagar, Lane No. 2, Manewada Road, Nagpur

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Hudkeshwar Police Station, Dist. Nagpur
2. Sau Sanskruti Sagar Ninave Plot No. 133, Sawarbandhe Layout, Manewada Road, Hudkeshwar, Nagpur.

... NON-APPLICANTS

Shri Y.D. Nagpure, Advocate for the applicants.
 Shri Kadukar, A.P.P. for non-applicant no.1/State.
 Shri M. Shukla, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 04/05/2023.

JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. The matter is taken up for final hearing by consent of learned Counsel appearing for the respective parties.

3. This is an application seeking to quash the First Information Report (FIR) in crime No.791 of 2022 dated 29.11.2022 registered with the Hudkeshwar Police Station District Nagpur for the offence punishable under Sections 498-A, 328, 377, 323, 504, 506 read with Section 34 of the Indian Penal Code on account of settlement.

4. The report has lodged at the instance of non-applicant no. 2 alleging the offence of matrimonial harassment, administering stupefying substance and unnatural sex.

5. Learned A.P.P. upon instructions made a statement that yet the charge-sheet has not been filed. During meantime, the parties have settled the differences. The informant has filed affidavit-in-reply stating

that the matter is settled and she do not wish to prosecute the case. She has appeared before the Court and also reiterated the contentions of affidavit-in-reply.

6. The parties have also prepared a mutual settlement deed, which is also tendered on record. The parties have decided to obtain decree of divorce by mutual consent. The husband has agreed to pay sum of Rs.50,000/- to the wife towards full and final settlement.

7. Though the various allegations are levelled however it was a dispute among husband and wife, which was settled by way of arriving the settlement terms. The informant wife has accepted the settlement and do not wish to prosecute the case.

8. In view of that there is no purpose in continuing the criminal case as the chances of conviction are remote and bleak. Taking into account the young age of the party and their future, disposal of criminal case would be in their interest. Having regard to the peculiar facts, we are inclined to exercise our inherent jurisdiction. Hence the following order is passed :

(a) The application is allowed and disposed of.

- (b) We hereby quashed and set aside the First Information Report (FIR) in crime No.791 of 2022 dated 29.11.2022 registered with the Hudkeshwar Police Station District Nagpur for the offence punishable under Sections 498-A, 328, 377, 323, 504, 506 read with Section 34 of the Indian Penal Code.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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