

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

CRIMINAL APPLICATION [APL] No. 402/2023.

1.Vaibhav s/o Digambar Sawant,
Aged about 34 years, Occupation
Private work.

2.Digambar s/o Gangaram Sawant,
Aged about 60 years, Occupation
Retired.

3.Usha w/o Digambar Sawant,
Aged about 60 years, Occupation
Household.

All residents of D-103, Safaire Park,
Park Street Pune, Wakad, Pune.

... **APPLICANTS.**

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Police Station, Koradi, Nagpur,
Tahsil and District Nagpur.

2.Sheetal w/o Vaibhav Sawant,
Aged about 23 years, Occupation
- resident of c/o, Milind Kumar
Meshram, Plot No.79, Parag Villa,
Welcome Society, Jayamatadi Nagar,
Koradi Road, Koradi, Nagpur.

... **NON-APPLICANTS.**

Rgd.

Mr. M. Husain, Advocate for Applicants.
Mr.N.R. Rode, A.P.P. for Non-applicant No. 1.
Mr.J. Kumar, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.
DATE : MARCH 14, 2023.

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

Heard finally by consent of the learned Counsel appearing
for respective parties.

Admit.

2. This is an application seeking to quash the first
information report bearing Crime No.223/2022 registered with
Koradi Police Station, Nagpur for the offence punishable under
Sections 498-A, 323, 504 read with Section 34 of the Indian Penal
Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Rgd.

3. Parties have mutually settled the dispute before the marriage councillor in Family Court, Nagpur. They have decided to write-off their matrimonial ties, since they find that the same is not workable. As per the settlement, entire ornaments have been returned to the informant/wife, as well as the agreed sum has been deposited in the Family Court.

4. The informant is present in the Court who is identified by her Advocate. The informant has filed her reply/affidavit stating that the matter is already settled and she has given no objection to quash the first information report. She has stated that in view of the mutual settlement she do not want to prosecute the criminal case bearing R.C.C.No.234/2023, arising out of above referred first information report.

5. We have enquired with the informant, on which we are satisfied about her voluntariness. The offence is matrimonial one, which does not have social impact, nor it can be considered as heinous one. Since parties have decided to reside separately by getting divorce, there is no purpose in continuing with the criminal

Rgd.

prosecution. In view of above, we deem it appropriate to exercise our inherent powers. Criminal Application is therefore, allowed.

First information report bearing Crime No.223/2022 registered with Koradi Police Station, Nagpur for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and related pending criminal case bearing R.C.C.No.234/2023 pending on the file of the Judicial Magistrate First Class, Nagpur is hereby quashed and set aside.

JUDGE

JUDGE