

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

CRIMINAL APPLICATION (APL) NO. 443 OF 2023

1. Shri Prasang s/o Pralhad Chaukse, aged about 30 years, Occup : Business.
2. Shri Pralhad s/o Siddhnath Chaukse, aged about 68 years, Occup. Business.
3. Mrs Anju w/o Pralhad Chaukse, aged about 51 years, Occup. : Housewife, All the above r/o Plot No. 113/2, Pardeshipura, Infront of Panchmukhi Hanuman Mandir, Indore, Madhya Pradesh – 452 001

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Kapil Nagar, Nagpur.
2. Mrs. Vaishnav w/o Prasang Chaukse, aged about 29 years, Occup. Housewife, r/o Plot No. 98, Naari Road, In front of Dixit Nagar, Guru Teg Bhadur Nagar, Upalwadi, Nagpur 440026

... NON-APPLICANTS

Shri H.S. Chilotra, Advocate for the applicants.
 Shri Thakre, A.P.P for the non-applicant/State.
 Shri V.M. Lute, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 28/04/2023.

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. By this application the applicants is seeking to quash the First Information Report vide Crime No.437 of 2022 registered with the Kapil Nagar Police Station Nagpur City for the offence punishable under Sections 419, 465, 468, 471 read with Section 34 of the Indian Penal Code, on account of settlement.
4. The marriage of the informant and applicant no.1 took place on 02.07.2021. While they were living together at Indore, the informant lady realized that applicant no.1 does not have the qualification, which was posed at the time of initiating marriage proposal. On the basis of said core issue, the informant has lodged the report about cheating, forgery and fraud.

5. The couple is young having no issue from the marriage. With the aid and intervention of family members they have settled the differences. By way of settlement, they have decided to take divorce and the applicants to pay the sum of Rs.35 lakhs to the informant towards full and final settlement. In pursuance of said settlement they have obtained the decree of divorce from the Family Court, Indore.

6. The informant has filed a reply stating about the settlement and her no objection to quash the FIR. The informant lady is present before the Court, who is identified by her learned Counsel Shri V.M. Lute. We have also inquired with the informant to which she agreed about the settlement, receipt of decided amount and her no objection to quash the FIR.

7. It is a family dispute, which cannot be termed as heinous or anti social nature. The parties have amicably resolved the dispute by severing the matrimonial ties for betterment of their future life. Considering the said aspect, there is no purpose in continuing the criminal prosecution. In view of above, we are inclined to exercise our inherent jurisdiction and hence, the following order :

- (i) The application is allowed and disposed of.

(ii) We hereby quashed and set aside the First Information Report vide Crime No.437 of 2022 registered with the Kapil Nagar Police Station Nagpur City for the offence punishable under Sections 419, 465, 468, 471 read with Section 34 of the Indian Penal Code.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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