

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

CRIMINAL APPLICATION (APL) NO. 647 OF 2023

1. Ankit Anilkumar Ramteke, age – 30 years, Occ. - Service.
2. Anita Anilkumar Ramteke, Age – 50 years, Occ. - Household.
3. Anilkumar s/o Charandas Ramteke, age – 60 years, Occ. - Retired,

All applicants are residents of Ward No.4, Behind Vodafone Office, Shri Sai Nagar, At Post Tahsil Mouda, Mouda, Nagpur.

Applicant No.1 is currently residing in Dubai for work

... APPLICANTS

VERSUS

1. State of Maharashtra, through P.S.O., Police Station, Hudkeshwar, Nagpur.
2. Tejaswini w/o Ankit Ramteke, Aged abt. 30 years, Occ. - Doctor, At Present R/o 201, New Lotus Apartment, Shaktikamata Nagar No.5, Kharbi Chowk, Nagpur A-9 New Subhedar Layout, Near Nagoba Mandir, Nagpur.

... NON-APPLICANTS

Shri P.S. Jaiswal, Advocate for the applicants.
Shri Kadukar, A.P.P for the non-applicant/State.
Shri R.R. Bagade, 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, applicants are seeking to quash the First Information Report vide Crime No.534 of 2022 registered with the Hudkeshwar Police Station Nagpur City for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961 on account of settlement.

4. At the instance of the report lodged by the wife, the crime has been registered against the applicants for the offence of matrimonial cruelty. During pendency of the investigation, with the aid and intervention of relatives, the parties shown their willingness for settlement. In accordance with that, they have appeared before the

Marriage Counselor of the Family Court, Nagpur where the terms of settlement have been arrived. It was decided that the parties shall get divorce as the marriage is not workable.

5. In view of the settlement, the informant wife has filed reply to this application stating about settlement and her non-inclination to prosecute the criminal case. Today, the informant lady is present before us, who has been identified by her advocate Shri R.R. Bagade. We have asked the informant on which she stated about settlement and her non-inclination to prosecute the criminal case. It is a domestic dispute, which cannot be termed as heinous or of antisocial nature. The couple is young, who took conscious decision to sever matrimonial ties looking their future. We do not find any impediment in allowing the application by quashing the criminal case in aforesaid background.

6. In view of above, the application is allowed. We hereby quashed and set aside the First Information Report vide Crime No.534 of 2022 registered with the Hudkeshwar Police Station Nagpur City for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961.

7. The application stand disposed of accordingly. No order as to costs.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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