

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

CRIMINAL APPLICATION (APL) 652/2023

1. Jyot S/o Vijay Talreja,
Aged about 35 years, Occ. Service,
2. Nina w/o Vijay Talreja
Aged about 59 years, Occ. House wife,
3. Vijay s/o Murlidhar Talreja,
Aged about 63 years, Occ. Business,

All R/o Flat No.1104, Meena Towers,
S.B.S.Road, Colaba,
Mumbai – 400005 ..

Applicants.

- Versus -

1. State of Maharashtra,
Through Police Station, Jaripatka,
Through State In-charge, Jaripatka,
Nagpur.
2. XYZ
Crime No.63/2022
Police Station Jaripatka,
Nagpur – 14.

... Respondents

 Ms.Mugdha Chandurkar, Advocate for the Applicants.
 Mr. V.A. Thakre, APP for respondent no.1 State
 Mr. S.Diwani, Advocate for respondent no.2.

**CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.
DATE : 02.05.2023.**

ORAL JUDGMENT (Per VINAY JOSHI, J.)

Heard. Admit. Heard finally by consent of learned counsel for the respective parties.

2. This is an application seeking to quash FIR in Crime No.633/2022 registered with Jaripatka Police Station, Nagpur city for the offences punishable under Sections 498-A, 376, 377 read with Section 34 of the Indian Penal Code, on account of settlement in between the parties. The informant-lady has filed an affidavit stating about the settlement.

3. The couple got married on 10.12.2018. After marriage, there was monetary demand from the side of husband and relatives. The applicant - her husband allegedly demanded money and had unnatural sex with the lady and, therefore, the report. The police has completed investigation and filed charge-sheet.

4. During intervening period, with the aid of mediator and counsellor in the Family court, the matter has been amicably settled. Initially, divorce proceeding was filed by wife in which the matter was settled. The parties decided to obtain divorce by mutual consent by seeking conversion of the petition under Section 13-B of the Hindu Marriage Act. As per the settlement, sum of Rs.1,90,00,000/- was to be paid to the wife towards permanent alimony, which has to be deposited in the Family Court. The wife has decided and agreed to withdraw existing proceeding, in view of the settlement. She has also appeared before us and agreed about settlement and her no objection to quash FIR and consequential proceedings.

5. We have gone through the police report and case papers. It is the matrimonial dispute, out of which report has been lodged. Though, there are allegation of unnatural sex, however, the allegation was against her own husband. The couple is young having no issue from the marriage. They have decided to sever matrimonial ties to lead further life as per their choice. As per terms of settlement, the entire amount of permanent alimony has been deposited in the Family Court. The case has its own peculiar facts. Since couple desire to lead separate life from each other, there is no purpose in forcing to go with the criminal

prosecution. Moreover, the wife has also filed D.V. proceedings in which it was decided to file consent terms.

6. In view of above peculiar facts, we are inclined to exercise our inherent jurisdiction. The application is allowed.

7. We hereby quash and set aside FIR in Crime No.633/2022 dated 2.10.2022 registered with Jaripatka Police Station, Nagpur city for the offence punishable under Sections 498-A, 376, 377 read with Section 34 of the Indian Penal Code along with Charge-sheet no.75/2023 dated 24.03.2023 as well as Regular Criminal Case (RCC) Case No.1407/2023 (State Vs. Joyt and 2 others) pending before 17th-18th Joint Civil Judge Junior Division, and JMFC Nagpur.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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