

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

CRIMINAL APPLICATION [APL] No. 688/2023.

1.Chintaman Raisingh Chauhan,
Aged 58 years, Occupation-Service,

2.Sau. Varsha Chintaman Chauhan,
Aged 49 years, Occupation- Housewife,

3.Rushab alias Hitesh Chintaman Chauhan,
Aged 25 years, Occupation-Student,

4.Aditya Chintaman Chauhan,
Aged 21 years, Occupation-Student,

Applicant Nos.1 to 4 resident of
Old Subhedar, Nagpur.

5.Nitin Tulshiram Naik,
Aged 47 years, Occupation-Private job.

6.Manisha Nitin Naik,
Aged 39 years, Occupation-Housewife,

Applicant Nos.5 and 6 resident of
Kalamboli, Navimumbai.

7.Gajaram Atmaram Chauhan,
Aged 44 years, Occupation-Service,
resident of SRP Building No.C/2.
Room No.8, SRP Camp, Dhule,
Tq and District Dhule.

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8.Ganesh Badri Rathod,
Aged 41 years, Occupation Private job,
resident of Kamothe, Navi Mumbai.

9.Panchfulla w/o Badri Rathod,
aged 73 years, Occupation Nil,
resident of Near Shhrikrushna Mandir,
Hudco Colony, Tq. Mangrulpir,
District Washim.

... **APPLICANTS.**

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Police Station Mangrulpir,
Tq. and District Washim.

2.Sau. Nikita w/o Ganesh Rathod,
Age 29 years, Occupation
Housewife, resident of c/o.Dhanraj
Pawar, Sudarshan Colony,
Bypass, Karanja, District Washim.

... **NON-APPLICANTS.**

Mr.A.V. Band, Advocate for Applicants.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1/State.
Mr. S. Bhende, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND

BHARAT P. DESHPANDE, JJ.

DATE : MAY 03, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Considering the controversy involved in the matter and by consent of the learned Counsel for the parties, the matter is taken up for final disposal.

Admit.

2. This is an application seeking to quash the first information report bearing Crime No.210/2019 registered with the Mangrulpir Police Station, District Washim for the offence punishable under Sections 120-B, 313, 377, 498-A, 504 and 506 of the Indian Penal Code, and related case bearing Regular Criminal Case No.212/2022 pending on the file of Judicial Magistrate, First Class, Mangrulpir, District Washim on account of settlement.

3. The couple got married in the year 2012. After marriage the lady resumed cohabitation, however, she faced matrimonial cruelty. It is alleged by the informant lady that the husband has forced her to abort the child, so also the husband has insisted for

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unnatural sex. Besides that, there was harassment at the hands of applicants [relatives of husband], hence the report. The police have investigated the matter and filed charge sheet. It is informed that yet the trial Court has not framed charges.

4. The couple has one child who is living with the mother. Looking to the young age and future of the couple, as well as of the child, with the intervention of relatives they have settled the dispute. It is submitted that the couple has obtained the decree of divorce by mutual consent on 20.02.2023. The wife has withdrawn the proceedings filed under the Domestic Violence Act, as well as under Section 125 of the Code of Criminal Procedure. As a part of settlement, the husband has paid an amount of Rs.15 lakhs to the lady, and further amount of Rs.25 lakhs to the lady for education of the child.

5. Though there are multiple allegations, however, considering the future and young age of the couple, the matter is amicably settled. The husband has paid sumptuous amount for the

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wife and child to secure their future. Already they got divorced by way of mutual consent. The informant lady is personally present before the Court and is identified by her Advocate Shri S. Bhende. The informant has filed affidavit stating about the settlement. We has enquired with the informant on which she accepted the settlement, receipt of amount and stated her non-inclination to continue with the proceeding.

6. Particularly considering the settlement and withdrawal of other proceedings, continuation of criminal case would be an abuse of the process of Court. As the wife is reluctant to prosecute the case, the chances of conviction are remote and bleak. In the circumstances, we are inclined to exercise our inherent powers.

7. We have brought to the notice of applicants that due to lodging of the first information report, police machinery has been rotated. At this juncture, the learned counsel for applicants, on instructions states that applicants would deposit an amount of Rs.25,000/- towards cost. In view of above, following order is

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passed.

ORDER

- [i] Criminal Application is allowed and disposed of.
- [ii] The first information report bearing Crime No.210/2019 registered with the Mangrulpir Police Station, District Washim for the offence punishable under Sections 120-B, 313, 377, 498-A, 504 and 506 of the Indian Penal Code, and related case bearing Regular Criminal Case No.212/2022 pending on the file of Judicial Magistrate, First Class, Mangrulpir, District Washim, is hereby quashed and set aside.
- [iii] Applicants to deposit an amount of Rs.25,000/- with the High Court Bar Association, Nagpur within a period of one week.
- [iv] List the matter for reporting compliance on 05.06.2023.

JUDGE

JUDGE