

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

CRIMINAL APPLICATION (APL) NO.1181 OF 2022

APPLICANTS : 1. Rupesh Kanhaiyalal Changani
Aged about Yrs, Occu. - Service,
2. Chetan Kanhaiyalal Changani
Aged about Yrs, Occu.- Service
3. Pooja Chetan Changani,
Aged about Yrs, Occu.- Household
4. Tara Kanhaiyalal Changani
Aged about Yrs, Occ- Household

All R/o - Ram Nagar, Behind Shalini
Talkies, City Kotwali, Akola

..VERSUS..

RESPONDENT : 1 State of Maharashtra,
through Police station, City Kotwali,
Dist. Akola
2 Chanchal Rupesh Changani,
Aged about years, Occ. Household,
R/o- Ram nagar, Behind Shalini
Talkies, City Kotwali, Akola

Shri R. S. Suryawanshi, Advocate for the Applicants.
Ms M. H. Deshmukh, Additional Public Prosecutor for the Non-Applicant No.1/State.
Shri P. M. Deshmukh, Advocate for the Non-Applicant No.2.

CORAM : **VINAY JOSHI AND VALMIKI SA MENEZES, JJ.**

DATE : **30th JANUARY, 2023.**

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

. Heard. **Admit.**

2. By consent of the learned Counsel appearing for the parties, this Criminal Application is taken up for final hearing.

3. This is an application under Section 482 of the Code of Criminal Procedure (Cr.P.C.), 1973, seeking to quash the First Information Report (FIR) bearing Crime No.457 of 2020, registered with Police Station City Kotwali, District Akola, for the offence punishable under Sections 354, 323, 504 and 506 read with Section 34 of the Indian Penal Code (IPC), 1860 and related charge-sheet.

4. The informant lady has lodged a report against her husband and his relatives alleging that on 01.11.2020, she went to her matrimonial house for collecting medical papers. At that time, the Applicants have outraged her modesty, caused hurt and also gave criminal intimidation.

5. Everything arose out of matrimonial disputes. It reveals that due to differences, informant started to reside separately from her husband, and thereafter, the incident occurred. The couple has settled the differences and presently they are residing together. It is submitted that the informant lady is carrying pregnancy of eight months and as per medical advise, she is on complete bed rest. Today, informant's mother namely Manju Rameh Ranga is present in Court, who has been identified by her Counsel Shri Deshmukh.

6. Informant's mother is cited as an eye witness in the FIR pertaining to the occurrence related therein. She has specifically admitted that there was reunion in couple and now her daughter (informant) is happily staying with her husband i.e. Applicant No.1 alongwith other family members. She has shown inability of informant to appear in Court on the ground of her advanced stage of pregnancy. Considering the peculiar situation, we accept her statement on behalf of her daughter about settlement and her no objection for quashing of FIR.

7. The alleged incident is of domestic nature. It has no social impact, rather quashing of FIR would be in the interest of couple to save the marriage. Having regard to these peculiar facts, we found that this is a fit case, where we can step in to exercise our inherent jurisdiction.

8. In view of above, the criminal application is allowed. The FIR bearing Crime No.457 of 2020, registered with Police Station City Kotwali, District Akola, for the offence punishable under Sections 354, 323, 504 and 506 read with Section 34 of the IPC alongwith charge-sheet bearing No.100 of 2020 pending on the file of the Chief Judicial Magistrate, Akola, is hereby quashed and set aside.

9. Criminal application stands disposed in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

TAMBE