



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

CRIMINAL APPLICATION (APL) NO.821 OF 2023

Nilesh Ailani,
Age : 41 Years, Occupation : CA,
208, Parvati Towers, Near Jaswant
Tuli Mall, Indora Square, Kamptee
Road, Nagpur – 17.

.. Applicant

Versus

1. Sonal Umesh Gyanchandani @
Bhakti Ailani,
Age: 37 Years, Occupation : CA
Blok No.332, Shrungi Maharaj Lane,
Choudhary Chowk, Jaripatka,
Nagpur – 14.
2. State of Maharashtra, Through
Jaripatka Police Station, Ring Road
Jaripatka, Kukreja Nagar, Nagpur –
440014.

.. Respondents

Mr. Applicant (Mr.Nilesh Ailani) in person.
Mr. Anup Badar, APP for respondent State.
Mr. N.R.Gandhi, Advocate for respondent No.1.

CORAM : VINAY JOSHI AND
M. W. CHANDWANI, JJ.

DATE : 22/12/2023

ORAL JUDGMENT (PER: VINAY JOSHI, J.)

Heard. **Admit.**

2. Heard finally with the consent of the learned counsel for the parties.

3. This is an application seeking to quash charge-sheet arising out of Crime No.506/2017 registered with Police Station, Jaripatka, Nagpur for the offence punishable under Sections 498-A, 506 read with 34 of the Indian Penal Code on account of mutual settlement.

4. It is informed that the trial Court has recorded chief examination of informant, but yet she has not been cross-examined. Though the trial has commenced, however, inherent powers can be exercised in befitting cases.

5. A couple got married in the year 2008, on which the informant started to reside at her matrimonial house. There was a matrimonial hassle due to which the informant started to reside separately from the year 2015. The couple has no issue from the marriage. During passage of time the relations became soar, which resulted into filing multiple cases against each other. After fighting legal battle for long years, both have realized that there is no purpose in fighting, but it is in their interest to get separated.

6. Both parties have appeared before the learned Mediator, wherein they arrived on a mutual settlement. The parties have executed Deed of Settlement before learned Mediator on 19/12/2023. The informant has filed her reply affidavit stating that the matter has

been settled before the Mediator and she do not wish to prosecute the matter. The informant is present before this Court, identified by her counsel. The informant stated that both sides would withdraw all the cases and then they would apply for divorce by mutual consent. The informant specifically stated that she do not want to continue the criminal prosecution, in view of the settlement.

7. This is a matrimonial dispute, which cannot be termed as heinous or anti social. The couple took conscious decision to sever matrimonial ties. As a result of settlement, the rival proceedings spread at various Courts would be put to an end. Having regard to the nature of dispute and settlement arrived between the parties, we are inclined to exercise our inherent jurisdiction.

8. In view of above, the application is allowed. We hereby quash and set aside criminal prosecution bearing RCC No.4300/2017 pending on the file of Judicial Magistrate First Class, Nagpur arising out of Crime No.506/2017 registered with Jaripatka Police Station.

9. The application stands disposed of in above terms.

JUDGE

JUDGE

KOLHE