

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

CRIMINAL APPLICATION (APL) NO. 906 OF 2021

- | | | |
|---|---|-----------------------|
| <p>1. Rohit Tulsidas Sandel
Aged 34 years, Occ.: Service,
R/o. Near Water Tank, Behind Empress Mill
No.3, Lodhipura, Nagpur.</p> <p>2. Tulsidas Lalaji Sandel
Aged 57 years, Occ.: Business,
R/o. Near Water Tank, Behind Empress Mill
No.3, Lodhipura, Nagpur.</p> <p>3. Sau. Sarita w/o. Tulsidas Sandel
Aged 50 years, Occ.: Household,
R/o. Near Water Tank, Behind Empress Mill
No.3, Lodhipura, Nagpur.</p> | } | ... Applicants |
|---|---|-----------------------|

Versus

- | | | |
|--|---|---------------------------|
| <p>1. State of Maharashtra,
Through Police Station Officer,
Police Station Ganeshpeth,
Nagpur (city), District – Nagpur.</p> <p>2. Saul. Durga @ Dolly w/o Rohit Sandel
Aged about 27 years, Occ. Household,
R/o. Monika Apartment, Empress Mill No.3,
Near Sheetalamata Mandir, Bajeriya,
Nagpur.</p> | } | ... Non-applicants |
|--|---|---------------------------|

Mr. V.A. Thakare, APP for non-applicant No.1.

Mr. K.K. Gaur, Adv. for non-applicant No.2.

CORAM : VINAY JOSHI, AND
VALMIKI SA MENEZES, JJ.
DATE : 09.06.2023.

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard finally by consent of both the learned counsel for the parties.

(2) The applicants are seeking to quash FIR in Crime No.256/2020 registered with Police Station Ganeshpeth, District – Nagpur, for the offences punishable under Sections 498-A read with Section 34 of the Indian Penal Code coupled with related charge-sheet on account of mutual settlement.

(3) The informant lady has lodged the report against her husband and in-laws alleging matrimonial cruelty. Initially, out of love affair they married on 15.11.2019. Thereafter, applicant No.1 (husband) refused for cohabitation and therefore, the report was lodged. Later on, with the intervention of relatives they arrived at settlement. On 05.05.2023 both solemnized marriage by following customary rituals. Due to settlement, the informant lady do not wish to prosecute the offence.

(4) The informant lady is present in Court through Advocate Mr. Gaur who identified her. She has also filed a written submissions coupled with joint pursis reiterating her stand that due to

settlement she do not wish to prosecute the criminal case. On enquiry, the informant lady has stated about her non-inclination to prosecute further. She also submitted that presently she is happily residing with applicant No.1. Having regard to above facts continuation of criminal prosecution would be abuse of the process of Court.

(5) In view of above, the application is allowed. We hereby quash and set aside FIR in Crime No.256/2020 registered with Police Station Ganeshpeth, District – Nagpur, for the offences punishable under Sections 498-A read with Section 34 of the Indian Penal Code along with related charge-sheet numbered as Regular Criminal Case No.2151/2021, pending on the file of Judicial Magistrate First Class, Nagpur.

(6) The application stands disposed in above terms.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

Prity