

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

CRIMINAL APPLICATION (APL) NO. 891 OF 2021

Pooja w/o Pranay Bansali and anr.

Vs.

State of Maharashtra, Thru. PSO, PS Rajapeth, Amravati and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Aastha R. Sharma, Advocate for applicants.
Ms. Mayuri Deshmukh, APP for respondent No.1.

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

DATE : 25.01.2023.

This is an application under Section 482 of the Code of Criminal Procedure, seeking to quash FIR in Crime No.351/2018 for the offence punishable under Section 498-A, 323, 504 read with Section 34 of the Indian Penal Code along with related criminal case bearing R.C.C.No.1039/2019 pending on the file of Judicial Magistrate First Class, Amravati.

2. The applicants before us are sister-in-law and her husband of the informant lady. The crime was registered, at the instance of non-applicant No.2

on account of matrimonial cruelty. The crime was registered against in all five persons i.e. informant – husband, father-in-law, mother-in-law, sister-in-law (applicant No.1) and husband of sister-in-law (applicant No.2). The police investigated the matter and charge-sheet has been filed in the Court of Judicial Magistrate First Class, Amravati.

3. Apart from the merits, the applicants would submit that during the pendency of criminal case there was settlement in between the couple by virtue of which presently informant – wife is staying with her husband at Amravati.

4. The applicants have also made such a statement in paragraph 8 of the petition. Certainly, if the couple has patched their differences there is no purpose in requiring the relatives of husband to go on with the trial.

5. We are facing disadvantage in ascertaining facts since non-applicant No.2 – informant despite service remained absent. Perhaps it may be the reason that the matter has been settled therefore, informant – lady is not responding our notice.

6. In the peculiar facts we are not inclined to go to the merits, but by relying on the statements of applicants about the compromise in between couple, we deem fit to appropriate to invoke inherent powers. In view of that, the application is allowed.

7. The FIR in Crime No.351/2018 along with Regular Criminal Case No.1039/2019 to the extent of applicants is hereby quashed and set aside.

JUDGE

JUDGE