

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

CRIMINAL APPLICATION [APL] NO. 839 OF 2023.

1.Vijay Namdeorao Pawar,
Aged about 40 years, Occupation – Service
Police Constable,

2.Namdeo Chandu Pawar,
Aged 69 years, Occupation -Retired,

3.Nirmala Namdeorao Pawar,
Aged 61 Years, Occupation – Housewife,

4.Vikas Namdeo Pawar,
Aged 33 years, Occupation – Agriculturist,

5.Swati Vikas Pawar,
Aged 35 years, Occupation – Housewife,

All applicants residents of Vaishnavi
Nagar, Chausala Road, Yavatmal,
Tahsil Yavatmal, District Yavatmal.

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APPLICANTS.

VERSUS

1.State of Maharashtra,
through its Police Station Officer,
Police Station Lohara, Yavatmal,
Taluq Yavatmal, District Yavatmal.

2.Kalpana Vijay Pawar,
Aged about Major, Occupation -
Service, Forester, resident of

Rgd.

C/o Rupsingh Jesu Rathod,
Jodgawhan, Tahsil Malegaon,
District Washim.

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NON-APPLICANTS

Mr. J.S. Wankhede, Advocate for Applicants.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1-State.
Mr. R.D. Narkhede, Advocate for Non-applicant No.2 - Served

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

DATE : JULY 06, 2023

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

Admit. By consent of the learned Counsel for the parties,
Criminal Application is taken up for final disposal.

2. This is an application seeking to quash the first information report bearing Crime No.245/2019 registered with Lohara Police Station, Yavatmal for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian

Rgd.

Penal Code, along with related criminal case bearing R.C.C. No.746/2020 on account of mutual settlement.

3. Out of a matrimonial dispute, non-applicant no.2 – wife has filed a police report. On the basis of said report, investigation has been conducted and charge sheet is filed before the competent Court. With the intervention of friends and relatives, the matrimonial dispute has been resolved and now the parties are residing together. Even after registration of the crime, they have a baby from the wedlock.

4. Non-applicant no.2 is present before the Court and is identified by her Advocate. Non-applicant no.2 – wife has also filed reply stating about the settlement and that she does not want to prosecute the criminal prosecution. We have ascertained the truthfulness of the reply with non-applicant no.2 in the Court.

5. Since the matter is settled, continuation of the criminal prosecution would amount to an abuse of the process of Court.

Rgd.

Moreover, continuation of the criminal prosecution would become a hurdle in their smooth matrimonial life. In the circumstance, Criminal Application is liable to be allowed. Hence, the following order.

ORDER.

- [i] Criminal Application is allowed and disposed of.
- [ii] The first information report bearing Crime No.245/2019 registered with Lohara Police Station, Yavatmal for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, along with related criminal case bearing R.C.C. No.746/2020 pending on the file of Chief Judicial Magistrate, Yavatmal, is hereby quashed and set aside.

JUDGE

JUDGE