



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

CRIMINAL APPLICATION (APL) NO. 834 OF 2023

APPLICANT : Claudius S/o Benedict Louis,
Age 46 years, Occ : Service,
R/o Bishop House, Camp Road,
Near Dnyanmata School, Amravati,
Tq. and District : Amravati.

V E R S U S

NON-APPLICANTS : 1. State of Maharashtra
Through Police Station Officer,
Police Station City Kotwali,
Amravati, District Amravati.

2. Christina w/o Claudius Louis,
Age 40 years, Occ : Service,
C/o Tony Amair, R/o. Sindhi
Camp, Akola 444004.

Shri S. B. Gandhe, Advocate for applicant.

Shri M. J. Khan, Additional Public Prosecutor for respondent No.1.

Shri Tejas S. Kene, Advocate for respondent No.2.

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

DATED : 05/10/2023.

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

1. **Admit.** Heard finally with the consent of learned
counsel appearing for the parties.

2. This is an application seeking to quash FIR relating to
Crime No.0186/2023 registered for the offences punishable under
Sections 326, 498-A, 294 and 506(2) of the Indian Penal Code on
account of settlement.

3. Informant lady is wife of applicant. The couple got married in the year 2006 having two children from wedlock. There were matrimonial differences in between the couple. The informant perceived harassment at the instance of monetary demand. She was also physically assaulted, therefore, she has lodged a report.

4. During pendency of investigation, with the intervention of both the families, matter was amicably settled. Both have decided to patch up the differences and live together. It is informed that from 01/07/2023, they are living under one roof with their children. The informant has filed reply affidavit stating about the settlement and her non-inclination to prosecute the criminal case. She has also sworn an affidavit to that effect. Informant lady is present before us, who is identified by her counsel Shri Tejas Kene. On query, she has accepted about the settlement and her no objection to quash the criminal proceedings.

5. Learned APP though not resisted, attracted our attention to the Injury Certificate showing that the informant lady sustained fracture at her left hand attracting the offence punishable under Section 326 of the Indian Penal Code. We have considered the entire material. True, it is a case of causing

grievous hurt with dangerous weapon. However, we cannot overlook the future of the couple, as they have patched up the differences and living together. The informant is not inclined to proceed with the prosecution, which is essentially against her husband with whom she is living. Obviously, continuation of prosecution would be at her own detriment and more particularly, at the cost of future of two minor kids. Having regard to the peculiar facts, we are of the considered view that in order to secure the ends of justice, it is necessary to invoke our inherent powers.

6. In view of above, application is allowed. We hereby quash and set the FIR relating to Crime No.0186/2023 registered for the offences punishable under Sections 326, 498-A, 294 and 506(2) of the Indian Penal Code on account of settlement.

7. The application stands disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]