

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

CRIMINAL APPLICATION NO. 1409/2022

1. Shri Niraj S/o. Suresh Gautam,
Aged about 35 years, Occ. Service,
Mob. No. 9925371995.
2. Dr. Suresh S/o. Shivlalji Gautam,
Aged about 70 years, Occ. Medical Practitioner,
3. Mrs. Pratibha w/o. Suresh Gautam,
Aged about 63 yrs., Occ. Household,
4. Dr. Mihir S/o. Suresh Gautam,
Aged about 39 yrs., Occ. Medical Practitioner,

1 to 4 R/o. Plot No. 78, near Sarveshwar
Mandir Dattatrya Nagar, Ayodhya Nagar S.O.
Nagpur – 440024.
5. Sau. Nanda w/o. Chandrakant Gautam,
Aged about 55 years, Occ. Household,
R/o. C/o. Chandrakant Gautam,
Ward No. 17 Mowad, at Post Mowad,
Tah. Narkhed, Dist. Nagpur.
6. Dr. Ramesh S/o. Shivlalji Gautam,
Aged 72 yrs., Occ. Medical Practitioner,
R/o. M-27, Nandanvan Colony,
64, MIG Nandanvan Layout,
Nagpur – 440024.
7. Kishor S/o. Shivlalji Gautam,
aged 62 yrs., Occ. Advocate,
R/o. Near Hedgewar Bhavan,
Plot No. R267, Reshimbag Hanuman
Nagar, Nagpur-440009.

APPLICANTS

VERSUS

1. The State of Maharashtra,
through the Police Station Officer,
Police Station Sakkardara, Nagpur.
2. Mrs. Poonam W/o. Niraj Gautam
Aged about 31 yrs., Occ. Household,

R/o. C/o. Shri Nandkishore Gautam,
Plot No. 7, Shriram Nagar, Manewada,
Ring Road, Udaynagar Chowk,
Nagpur.

NON-APPLICANTS

Mr. H. N. Bhondge, Advocate for applicants.
Mr. V. A. Thakare, APP for non-applicant No.1.
Mrs. K. Sharma, Advocate for non-applicant No. 2.

CORAM

**: VINAY JOSHI AND
BHARAT P. DESHPANDE JJ.**

DATE OF JUDGMENT

: 06.03.2023

JUDGMENT (PER VINAY JOSHI, J.)

Heard.

2. **Admit.**

3. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash First Information Report ('FIR') in Crime No. 541/2020, dated 09.12.202 registered with Police Station Sakkardara, Nagpur for the offence punishable under Sections 498-A, 354, 506, read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

4. The non-applicant No. 2 wife got married with the applicant No. 1 on 13.02.2019 and started to reside together. Since there was matrimonial harassment, informant/non-applicant No.2 has lodged report with concerned Police Station against husband

and his nearer relatives. The Police investigated matter and filed charge-sheet in the Court of concerned Magistrate.

5. Since there was matrimonial discord, the party started residing separately from 26.05.2020. The efforts were made, but it fails. Finally with the mediation of relatives, the parties have decided to sever matrimonial ties so as to lead their future life as per their choice. In view of settlement, they had applied to the Family Court for divorce by mutual consent. Accordingly, a decree of divorce by mutual consent has been passed vide judgment dated 21.02.2023. In accordance with terms of settlement, the husband agreed to deposit sum of Rs. 22 laksh in the Family Court by way of Demand Draft ('DD') which the wife is supposed to withdraw after disposal of criminal prosecution.

6. Today, non-applicant No. 2 is present before us who has been identified by her counsel as well as by the counsel of applicants. We have inquired non-applicant No. 2, on which she agreed about settlement and withdrawal of amount deposited in the Family Court. In view of settlement, she does not want to prosecute the criminal cases.

7. The dispute is domestic one having no social impact. Since the couple has decided to separate and move ahead in life, no

fruitful purpose would be served in continuing criminal cases, as it would be exercise in futility.

8. In view of above, application is allowed. We hereby quashed and set aside FIR No. 0541/2020 dated 09.12.2021 for the offence punishable under Sections 498-A, 354, 506, read with Section 34 of the Indian Penal Code and Section 3 and 4 of Dowry Prohibition Act registered with Police Station Sakkardara, Nagpur and RCC No. 168/2021 pending before the learned Judicial Magistrate First Class, Nagpur.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

Gohane

Digitally
signed by
JITENDRA
BHARAT
GOHANE
Date:
2023.03.13
12:33:59
+0530