



Judgment

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

CRIMINAL APPLICATION [APL] Nos. 1222, 1230 & 1181 OF 2023.

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[1] CRIMINAL APPLICATION [APL] No. 1222 OF 2023.

Mrs. Arpana w/o Arunkumar Jha,
Aged about 46 years, Occupation –
Legal Practitioner, resident of
Plot No.60-A, Dronachyarya Nagar,
Nelco Society, Subhash Nagar,
Nagpur 440022.

... **APPLICANT.**

VERSUS

1.State of Maharashtra,
through PSO, Pratap Nagar
Police Station, Nagpur.

2.Shri Arunkumar Ramchandra Jha,
Aged about 53 years, Occupation -
Business, resident of Plot No.120,
Pride Lake Apartment, Gorle Layout,
Jaitala Road, Subhash Nagar,
Nagpur 440022.

... **NON-APPLICANTS.**

Mrs. V. Khadekar, Advocate for the Applicant.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1.
Mr. P.N. Upadhyay, Advocate for Non-applicant No.2.

[2] CRIMINAL APPLICATION [APL] No. 1230 OF 2023.

1.Shri Arunkumar Ramchandra Jha,
Aged about 54 years, Occupation -
Nil, resident of Plot No.106,
Pride Lake Apartment, Gorle Layout,
Jaitala Road, Subhash Nagar,
Nagpur.

2.Mrs.Meena w/o Awadh Choudhary,
Age 50 years, Housewife, resident
of 3313-D, Chandralok, DLF Phase-4,
Gurgaon, Haryana.

3.Binaykumar s/o Ramchandra Jha,
Age 49 years, Occupation Nil,
resident of E-5/11, Girdhar Angan,
Near Mai Mangeshkar Hospital,
Warje Malwadi, Pune.

... **APPLICANTS.**

VERSUS

1.State of Maharashtra,
through Police Station Ranapratap Nagar
District Nagpur.

2.Smt. Aparna w/o Arunkumar Jha,
Aged 50 years, Occupation –
Lawyer, resident of Plot No.60/A,
Dronachyarya Nagar, Nelco Society,
Nagpur.

... **NON-APPLICANTS.**

Mr. P.N. Upadhyay, Advocate for Applicants.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1.
Mrs. V. Khadekar, Advocate for Non-applicant No.2.

[3] CRIMINAL APPLICATION [APL] No. 1181 OF 2023.

Mrs. Arpana w/o Arunkumar Jha,
Aged about 48 years, Occupation –
Legal Practitioner, resident of
Plot No.60-A, Dronachyarya Nagar,
Nelco Society, Subhash Nagar,
Nagpur 440022.

... **APPLICANT.**

VERSUS

1.State of Maharashtra,
through PSO, Pratap Nagar
Police Station, Nagpur.

2.Mrs. Meena w/o Shashikant Tarale
[Maid servant of the applicant]
Aged about 37 years, Occupation -
Housewife, resident of Plot No.2,
Gorle Layout, Jaitala Road,
Subhash Nagar, Nagpur 440022.

... **NON-APPLICANTS.**

Mrs. V. Khadekar, Advocate for the Applicant.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1.
Mr.P.N. Upadhyay, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND

VALMIKI SA MENEZES, JJ.

DATE : SEPTEMBER 01, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J) :

Heard. **Admit.**

By consent of the learned Counsel appearing for the parties, all matters are taken by for final disposal by this common judgment. The common thread in between all these petitions is a dispute between husband and wife, which gave rise to three different police reports. For the sake of convenience, we prefer to decide the same as the parties have settled the matter.

2. Criminal Application No.1222/2023 has been filed by the applicant - Arpana [wife] seeking quashing of the first information report bearing Crime No.3020/2016 registered at the instance of her husband with Pratap Nagar Police Station, Nagpur for the offence punishable under Sections 323, 506-B and 294 of the Indian Penal Code.

Criminal Application No.1230/2023 has been filed by the husband seeking quashing of the first information report bearing Crime No.18/2016 registered at the instance of his wife with Pratap

Rgd.

5

Nagar Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

Criminal Application No.1181/2023 has been filed by wife Arpana seeking quashing of the first information report bearing Crime No.3211/2015 registered at the instance of their maid with Pratap Nagar Police Station, Nagpur for the offence punishable under Sections 294 and 506-B of the Indian Penal Code.

3. By and large, the dispute was between the couple who are now residing separately. In all three proceedings charge sheet has been filed. It is informed that in the police reports relating to Criminal Application Nos.1222/2023 and 1181/2023, partial evidence is recorded and both cases are now posted for further evidence. It is submitted that however, in criminal case relating Criminal Application No.1230/2023, yet charges are to be framed.

4. During the pendency of the proceeding, the couple realized that no fruitful purpose would be achieved and hence with the aid and intervention of friends and relatives, they have amicably

Rgd.

6

settled the differences. The couple had also executed a mutual agreement of settlement on 09.08.2021. In all these criminal applications the respective informant has filed reply-affidavit stating therein about no objection to quash the proceedings, as the matter is mutually settled.

5. All informants are personally present before the Court who are identified by their respective Advocates. On our query, they have agreed to the statements and stated about their non-inclination to prosecute the criminal case.

6. Since it was a domestic dispute, we do not see any element of seriousness and antisocial effect. As the parties have settled the dispute, continuation of prosecution would be an abuse of the process of Court. Rather disposal of criminal cases would further to strengthen the cordial relations amongst them. In view of above, we deem it appropriate to invoke our inherent jurisdiction. Hence the following order.

Rgd.

ORDER

- [i] Criminal Applications are allowed and disposed of.
- [ii] First information report bearing Crime No.3020/2016 registered with Pratap Nagar Police Station, Nagpur for the offence punishable under Sections 323, 506-B and 294 of the Indian Penal Code along with Regular Criminal Case No.4020/2016 pending on the file of Judicial Magistrate First Class, Nagpur, is hereby quashed.
- [iii] First information report bearing Crime No.18/2016 registered with Pratap Nagar Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code along with Regular Criminal Case No.3013/2016 pending on the file of Judicial Magistrate First Class, Nagpur, is hereby quashed.
- [iv] First information report bearing Crime No.3211/2015 registered with Pratap Nagar Police Station, Nagpur for the offence punishable under Sections 294 and 506-B of the Indian Penal Code along with Regular Criminal Case No.1281/2016 pending on the file of Judicial Magistrate First Class, Nagpur, is hereby quashed.

JUDGE

JUDGE