

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

CRIMINAL APPLICATION NO.1111 OF 2023

1. Vishwas s/o Bhimrao Lamghare, Aged
43 years, Occ. Bank Manager
2. Kaikai w/o Bhimrao Lamghare,
Aged 73 years, Occ. Housewife.
3. Pratima d/o Bhimrao Lamghare
Aged about 53 years, Occ. Government
Servant.
4. Varsha d/o Bhimrao Lamghare, Aged
about 51 years, Occ. Housewife.

All applicants are R/o House No.61, Air Force
Colony, Near Sarthee Public School, Dhabha,
Wadi, Nagpur.

... APPLICANTS.

VERSUS

1. State of Maharashtra, through
the Police Station Officer, Gittikadan
Police Station, Nagpur.
2. Pratiksha w/o Vishwas Lamghare,
aged 35 years, Occ. Housewife, R/o
Quarter No.17, Type-2, Block-3
CPWD Colony, Katol Road, Nagpur
(M.H.)

... NON-APPLICANTS.

Shri M.S. Dube, Advocate for the applicants.
Shri Thakare, A.P.P. for the non-applicant/State.
Shri S. Dewani, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 08.08.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Non-applicant no.2 (informant) is appeared *suo moto* through the learned Counsel Shri Dewani.

2. Heard. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

3. This is an application seeking to quash the First Information Report in Crime No.258 of 2022 registered with the Gittikadan Police station, Nagpur City for the offence punishable under Sections 498-A, 420, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code and related Charge-sheet bearing R.C.C. No.4938 of 2022 pending on the file of the Judicial Magistrate First Class, Nagpur, on account of settlement.

4. The couple got married in the month of October 2019. The

matrimonial differences arose out of which the informant/wife has lodged the report. She has also filed the proceedings in the Family Court for seeking decree of divorce. In said proceedings, the matter was referred to the marriage Counselor before whom the parties have resolved the dispute and decided to reside together. It was also decided that each one shall withdraw all the allegations. The informant/wife agreed to cooperate for disposal of existing criminal case. Copy of the consent terms filed in the Family Court, Nagpur has been produced before the Court.

5. The informant/wife is present before the Court, who is identified by her learned Counsel Shri Dewani. On our query, she has admitted about the settlement and her no objection to quash the proceedings. Particularly she stated that presently she is living with applicant no.1 (husband).

6. Since the matrimonial dispute has been resolved, certainly quashing of criminal proceedings would further to save the marriage.

7. In view of above, it is a fit case to exercise our inherent jurisdiction, hence the following order :

(a) The application is allowed.

- (b) We hereby quash and set aside the First Information Report in Crime No.258 of 2022 registered with the Gittikadan Police station, Nagpur City for the offence punishable under Sections 498-A, 420, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code and related Charge-sheet bearing R.C.C. No.4938 of 2022 pending on the file of the Judicial Magistrate First Class, Nagpur.

8. The application stands disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

Trupti