



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

CRIMINAL APPLICATION NO.1187 OF 2023 AND
CRIMINAL APPLICATION NO.798 OF 2023

CRIMINAL APPLICATION NO.1187 OF 2023

1. Vivek Sidharth Nagdive, Aged about 30 years, R/o Deorao Vithovaji, Near Savitri Bai Phule School, Kambde layout mantama Nagar, Rukhmini Nagar, Tq. Dist. Amravati.

... APPLICANT.

VERSUS

1. State of Maharashtra, through Police Station Officer, Police Station, Frezarpura, Amravati, Tq. & Dist. Amravati.
2. Dhanraj Vasantrao Gavai, Aged about 58 years, R/o Pathargaon, Chandur Railway, Tq. Chandur Railway, Dist. Amravati.

... NON-APPLICANTS.

WITH

CRIMINAL APPLICATION NO.798 OF 2023

1. Sidharth s/o Deorao Nagdive, aged about 61 years, Occ. Retired,

2. Pradnya Siddhart Nagdive, Aged about 31 years, Occ. Service,

Both r/o Deorao Vithovaji Near, Savitri
Bail Phule School, Kambde Layout
Mantama Nagar, Rukhmini Nagar, Tq.
Dist. Amravati.

... APPLICANTS.

VERSUS

1. State of Maharashtra, through
Police Station Officer, Police Station,
Frezarpura, Amravati, Tq. & Dist.
Amravati.
2. Dhanraj Vasantrao Gavai, Aged about
58 years, R/o Pathargaon, Chandur
Railway, Tq. Chandur Railway, Dist.
Amravati.

... NON-APPLICANTS.

Shri Y.P. Bhelande, Advocate for the applicants.
Shri Thakare, A.P.P. for the non-applicant/State.
Shri Ganesh B. Mate, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 28.08.2023.

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

Heard. **ADMIT.**

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

3. Both applications are for quashing of the First Information Report in Crime No.378 of 2023 registered with the Frezarpura Police Station, Amravati City for the offence punishable under Sections 500, 506 of the Indian Penal Code, Section 3 and 4 of the Dowry Prohibition Act, 1961, on account of mutual settlement.

4. Applicant Vivek Nagdive was the would be groom whilst rest applicants are his parents. The marriage of informant's daughter was fixed with applicant Vivek. The informant (father) has lodged the report on 28.05.2023 alleging about the dowry demand at the instance of the applicants. It is the informant's case that engagement ceremony of his daughter was held with Vivek on 17.02.2023 whilst the marriage was scheduled on 27.05.2023. However in the meantime, the applicant party raises a monetary demand of Rs. 1 lakh for buying a car, which was complied. Later on, again there was further demand of Rs. 15 lakhs, which the informant could not fulfill. Since there was a monetary demand, which can be termed as a "dowry" within the meaning of Section 2 of the Dowry Prohibition Act, the report has been lodged.

5. During pendency, the parties have settled the matter out of the Court with the aid and intervention of friends and relatives. They have also prepared a settlement deed which got notarized. In said deed they have stated that due to intervention of relatives, the dispute was resolved and now, the informant do not want to prosecute the case. The deed of settlement is signed by the informant as well as his daughter too.

6. Today, the informant is present before us and filed an affidavit/reply stating about the settlement and his non-inclination to proceed further. The informant's daughter, whose marriage was fixed is also present before us and she has also filed an affidavit to that effect. Both are identified by learned Counsel Shri Ganesh Mate appearing on their behalf. On our query, both of them have stated that the matter is resolved and now, they do not want to prosecute the criminal case. The informant has stated that he is scared about the future of his daughter and urged for quashing of FIR. The matter relates to demand of dowry, which cannot be termed as heinous one. The settlement would further to maintain cordial relations amongst them. The parties are not inclined to go on with the prosecution, thus, the trial would be exercise in futility.

7. Having regard to the mutual settlement and urge of the informant, we are inclined to exercise our inherent jurisdiction, hence the following order :

(a) The applications are allowed.

(b) We hereby quash and set aside First Information Report in Crime No.378 of 2023 registered with the Frezarpura Police Station, Amravati City for the offence punishable under Sections 500, 506 of the Indian Penal Code, Section 3 and 4 of the Dowry Prohibition Act, 1961.

8. The applications stand disposed of accordingly.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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