



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

CRIMINAL APPLICATION NO.1206 OF 2023

Meenakshi Chetan Makwana,
Age 36 years, Occ. Nil, R/at : C/o Mr.
Mukesh Panchal C/18, Kshitij CHS, Plot
No.211, Datta Mandir Road, Gorai-2,
Borivali (W) Mumbai 400 091

... APPLICANT.

VERSUS

1. The State of Maharashtra, (Through
Sr. Inspector of Police, Lakadganj
Police Station, Nagpur.
2. Chetan Harshadrai Makwana, Age 37
years, Occ: Business, R/at : "MAA
KRUPA' 944, Vaishnav Devi Chowk,
Deshpande Layout, Nagpur –
440008, Maharashtra

... NON-APPLICANTS.

Shri D. Mudgale, Advocate for the applicant.
Shri Doifode, A.P.P. for the non-applicant/State.
Shri Mohd. Sharik, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 05.09.2023.

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

Learned A.P.P. waives notice for the non-applicant/State whilst learned Counsel Shri Mohd. Sharik appeared for the non-applicant no. 2 and waives notice.

2. Heard. **ADMIT.**

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

4. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash the First Information Report relating to crime No.271 of 2023 registered with the Lakadganj Police Station, Nagpur City for the offence punishable under Section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice And Other Inhuman, Evil and Aghori Practices And Black Magic Act, 2013, on account of mutual settlement.

5. The informant is the husband of the applicant wife. Matrimonial discord gave rise to multiple litigations in between the spouses, spread over in different Courts. Finally, the parties realized

that there is no purpose in fighting with each other hence they have amicably settled the dispute in Contempt Petition No.499 of 2022 by filing consent terms. The copy of consent terms has been produced on the record.

6. It reveals that the parties have mutually decided to sever matrimonial ties by applying for divorce by mutual consent and the wife would get specified permanent alimony. The informant has also filed an affidavit-in-reply in this application stating about the settlement and his no objection to quash the proceeding. It was a dispute between the husband and wife. FIR also does not specify any particular event, apart now due to settlement the informant has no grievance and he expressed his no objection to quash the FIR. The informant is present and identified by his Counsel Shri Mohd. Sharik. On our query he has accepted about the settlement and his non-inclination to go on with the prosecution. Since the matter is settled in between the parties and as they have settled the dispute in other parallel proceedings we deem it appropriate to invoke our inherent jurisdiction. Hence, the following order

(a) The application is allowed.

- (b) We hereby quash and set aside the First Information Report relating to crime No.271 of 2023 registered with the Lakadganj Police Station, Nagpur City for the offence punishable under Section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice And Other Inhuman, Evil and Aghori Practices And Black Magic Act, 2013.

7. The application stands disposed of accordingly.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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