



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

CRIMINAL APPLICATION NO. 451 OF 2022

Nikhil w/o Sadanand Orkey, Aged about
37 years, Occ. Private Service, R/o
Bhagchand Nagar, Dhamangaon
Railway, Tah. Dhamangaon Railway,
Dist. Amravati.

... APPLICANT

VERSUS

1. State of Maharashtra, through
Police Station Officer, Police Station
Nandanwan, Nagpur City, Tq. & Dist.
Nagpur.
2. Ashwini w/o Nikhil Orkey, aged
about 30 years, Occ.:Household, R/o
C/o Shri Yashwant Umredkar, 34-A,
Shrikrishna Nagar, Near Masane
Hospital, Nagpur - 440009

... NON-APPLICANT.

WITH

CRIMINAL APPLICATION (APL) NO. 1300 OF 2021

1. Sushma w/o Sadanand Orkey, aged
about 66 years, Occ. - Reditred Teacher,
2. Sadanand s/o Krushnaji Orkey, aged
about 73 years, Occ.-Nil.

Both R/o Ward No.2, Bhagchand Nagar,
Dhamangaon Railway, Tq. Dhamangaon
Railway, Dist. Amravati.

3. Sunit s/o Sadanand Orkey, aged about
39 years, Occ. Pvt. Job,
4. Priyanka w/o Sunit Orkey, aged about
36 years, Occ. Pvt. Job,

Both R/o Flat No.5, Sunnit Apartment, Survey
No.5/4/1, Near Divya Heights Rahatani, Pune
City, Pimpri Colony, Pune – 411 017

... APPLICANTS

VERSUS

1. State of Maharashtra, through
Police Station Officer, Police Station
Nandanwan, Nagpur City, Tq. & Dist.
Nagpur.
2. Ashwini w/o Nikhil Orkey, aged
about 30 years, Occ.:Household, R/o
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Shrikrishna Nagar, Near Masane
Hospital, Nagpur - 440009

... NON-APPLICANTS.

Srhi PR Agrawal, Advocate for the applicants.

Shri Jawade, Addl.PP for the State.

Shri N.S. Giripunje, Advocate for the non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.

DATED : 26.10.2023.

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

Heard. **ADMIT.**

2. These applications are arising out of First Information Report (FIR) vide Crime No.229 of 2021 registered with the Nandanwan Police Station, Nagpur City for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act, 1961. For the sake of convenience, both applications are taken together for final disposal.

3. Applicant Nikhil Orkey (in Criminal Application No.451 of 2022) is the husband whilst applicant nos.1 to 4 (in Criminal Application No.1300 of 2021) are the parents-in-law, brother-in-law and sister-in-law of the informant lady. All applicants are seeking for quashing of aforesaid mentioned FIR on account of mutual settlement.

4. The couple got married on 13.06.2019. After the marriage, the informant started to cohabit with the applicants. Feeling matrimonial harassment, she has filed the report after returning to her parental house. The couple has no issue from the marriage. During the pendency, with the aid and intervention of relatives, the matter is

amicably settled. Both of them found that it is difficult to pull on the marriage due to temperamental differences. In view of that, they have decided to sever matrimonial ties and in consideration, the husband would pay total sum of Rs.8 lakhs towards one time maintenance. In pursuance of settlement, they have filed petition under Section 13-B of the Hindu Marriage Act, 1955 in the Family Court for divorce by mutual consent. It is informed that the said petition is kept tomorrow i.e. on 27.10.2023 for final orders. The informant has filed a Pursis stating that she has already received Rs. 4 lakhs and the balance amount would be received tomorrow i.e. on 27.10.2023. She gave her no objection for quashing of the FIR.

5. Today, the informant with her father is present in the Court, who is identified by her Counsel Shri Narendra S. Giripunje. The informant stated about the settlement, receipt of partial amount and her no objection to quash the proceedings. It is a matrimonial dispute where the parties have mutually took the decision to separate from each other. Both are young having no issue from the marriage and desirous to lead their further life as per their choice. The offence cannot be termed as heinous or anti social. In view of that, we are inclined to invoke our inherent jurisdiction, hence the following order :

- (a) Both applications are allowed.
- (b) We hereby quash and set aside the First Information Report vide Crime No.229 of 2021 registered with the Nandanwan Police Station, Nagpur City for the offence punishable under Sections 498-A, 34 of the Indian Penal Code, Section 3 and 4 of the Dowry Prohibition Act, 1961.

6. The applications stand disposed of accordingly.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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