

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

CRIMINAL WRIT PETITION NO. 734 OF 2022

PETITIONER : Mrs. Daljeet Kaur
Age 33 years, Occ : Household,
R/o 257, Panchheel Chowk,
Garaoba Maidan, Mate Chowk,
Chapru Nagar, Nagpur-08.

V E R S U S

RESPONDENTS :

1. State of Maharashtra
Through Police Station Officer,
Police Station, Lakadganj, Nagpur.
2. Mr. Harsimran S/o Gurmohan Singh
Aged about 39 years, Occupation:
Private, R/o Surjit Singh Sajjan,
Village Sajjan, P.O. Hardo Khanpur,
Tehsil: Hoshiarpur, District:Hoshiarpur,
Panjab.

Shri D. Y. Kumbhare, Advocate for petitioner.

Shri A. M. Kadukar, Additional Public Prosecutor for respondent No.1.
Respondent No.2 present in person.

**CORAM: VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.**

DATE : 27/03/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Rule.** Rule is made returnable forthwith. Heard the learned counsel for the parties with consent.

2. This is a petition under Articles 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure seeking to quash FIR in Crime No.0254/2021 registered with Police Station Lakadganj for the offences

punishable under Sections 354-D, 509, 503, 504 and 506 of the Indian Penal Code and Section 67(A) of the Information Technology Act, 2000.

3. This petition has peculiar facts of its own as the petitioner who is informant of the case herself has filed this petition for quashing the First Information Report as well as related criminal case. The respondent No.2 is husband against whom FIR came to be lodged. The couple got married on 27/04/2014 and having a daughter from the wedlock. After 5 to 6 years, the couple realized that the marriage would not work due to differences on various counts. From the month of January, 2021, they started to reside separately. The efforts were made for reunion, but failed. When the parties realized that there is no purpose in fighting and keeping the matrimonial ties alive, they decided to reside separately from each other. With the intervention of relatives, the matter was settled in between the parties. They decided to obtain divorce by mutual consent and to withdraw all criminal proceedings. It was agreed that the custody of minor daughter would remain with the petitioner – mother and the husband would take one time maintenance amount of Rs.2,00,000/-. The said settlement was made before Marriage Counsellor in the Family Court, Nagpur. In pursuance of

settlement, a Decree of Divorce came to be passed on 04/08/2022. The wife is already having custody of child as well as she has received one time maintenance amount.

4. The offences are of stalking, intimidation, abuses in between the couple. It is a domestic dispute, which has no social impact nor can be termed as heinous one. It is in the interest of couple to move ahead in the life as per their choice. The petitioner is present in Court, who has been identified by her Advocate. The petitioner admits about the settlement and correctness of her own petition. She stated that in view of settlement, she do not wish to prosecute the pending criminal case and requested for quashing. In view of the above peculiar facts, we deem it appropriate to exercise our inherent powers to secure the ends of justice.

5. The petition is allowed. We hereby quash and set aside the FIR in Crime No.0254/2021 registered with Police Station Lakadganj for the offences punishable under Sections 354-D, 509, 503, 504 and 506 of the Indian Penal Code and Section 67(A) of the Information Technology Act, 2000 and connected criminal case bearing RCC No.1780/2022 pending on the file of 16th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur.

6. Rule is made absolute in above terms.

[BHARAT P. DESHPANDE, J.]

[VINAY JOSHI, J.]

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