

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

CRIMINAL APPLICATION (APL) NO. 1683/2022

1. Ankur S/o. Ganesh Gir Goswami,
aged about 29 yrs., Occ. Job,
R/o. 1-2 Palace Colony,
behind 6 Bungalow,
Dist. Indore (M.P.) - 452001.
2. Ganesh Gir Goswami,
aged about 56 years, Occ. Nil,
R/o. 1-2 Palace Colony,
behind 6 Bungalow,
Dist. Indore (M.P.) - 452001.
3. Deepa w/o. Ganesh Gir Goswami,
aged about 52 years, Occ. Housewife,
R/o. 1-2 Palace Colony,
behind 6 Bungalow,
Dist. Indore (M.P.) - 452001.
4. Anisha @ Kanchan w/o. Sawan Goswami,
aged about 34 yrs., Occ. Housewife,
R/o. 1-2 Palace Colony,
behind 6 Bungalow,
Dist. Indore (M.P.) - 452001.

APPLICANTS

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station Rajura,
Dist. Chandrapur.
2. Smt. Simran w/o. Ankur Goswami,
Aged about 25 years, Occ. Nil,
R/o. Pariwar House, Hyderabad Road,
Shri Niwas Colony, Teh. Rajura (Manikgarh),
Dist. Chandrapur (MS)-442905.

(Applicant No.5
transposed as Respondent
No.2 and amendment
carried out as per Court's
order dated 24.01.2023.)

RESPONDENTS

Mr. R. Chhabra, Advocate for applicants.
Mrs. M. Deshmukh, APP for respondent No.1.
Mr. Tiwari, Advocate for respondent No.2.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES JJ.
DATE : 14.02.2023

ORAL JUDGMENT (PER VINAY JOSHI, J.)

Heard.

2. This is an application under Section 482 of the Code of Criminal Procedure seeking to quash First Information Report ('FIR') and charge sheet in Crime No. 156/2022 for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code and Sections 3, 4 of the Dowry Prohibition Act registered with Police Station Rajura, District Chandrapur.

2. The respondent No.2/informant-lady has lodged report alleging matrimonial harassment on account of dowry demand. The marriage between couple took place on 10.03.2021 and after initial few days, the lady faced physical as well as mental harassment to meet unlawful demand and therefore, the report. The Police investigated the matter and filed charge-sheet in the Court of concerned Magistrate.

3. The couple has no issue from the marriage. Some other proceedings were also pending in between the parties. The couple is of

the view that their marriage would work no more. A couple is young. Considering their future prospects in the life, they decided to sever matrimonial ties and live as per their wish. With intervention of relatives and mediator, the matter has been amicably settled in between the couple. They had applied for divorce by mutual consent, on which the Competent Court has passed decree of divorce on 11.11.2022. It was one of the term of settlement that the husband would pay Rs. 21 lakhs to the wife towards full and final settlement.

4. Today, the informant-lady is present in the Court along with her cousin brother namely Harshal Khiyani. The informant is identified by her counsel. We have inquired her in which she accepted the settlement and receipts of agreed sum. She has also consented for quashing of FIR, rather she would submit that in view of settlement, she does not want to prosecute the criminal case.

5. The dispute is of domestic nature having no social impact. The parties have decided to sever matrimonial ties and walk ahead in the life as per their choice. Since there is settlement, there is no purpose in continuing the criminal trial as it would be exercise in futility.

6. In view of above, we deem it appropriate to invoke our inherent powers to secure the ends of justice. We hereby quash and set aside the FIR in Crime No. 156/2022 for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code and

Sections 3, 4 of the Dowry Prohibition Act registered with Police Station Rajura, District Chandrapur along with Criminal Case bearing RCC No. 198/2022 pending on the file of Judicial Magistrate First Class, Chandrapur.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

Gohane

JITENDRA
BHARAT
GOHANE

Digitally signed by
JITENDRA BHARAT
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