

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

CRIMINAL APPLICATION (APL) NO. 1675/2022

Suryagupta s/o. Hemaji Aakre,
Aged 40 yrs., Occ. Service,
R/o. Patel Nagar, Ward No.2,
Kanhana, Dist. Nagpur.

... **APPLICANT**

VERSUS

1. State of Maharashtra
through P.S.O. Kanhana,
Dist. Nagpur.
2. Rani Suryagupta Akre,
Aged about 35 yrs.,
R/o. Patel Nagar, Ward No.2,
Kanhana, Dist. Nagpur.

... **NON-APPLICANTS**

Mr. C. D. Thamke, Advocate for applicant.
Mr. A.M. Kadukar, APP for non-applicant No.1/State.
Mr. S. R. Pimple, Advocate for non-applicant No.2.

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

DATE : APRIL 12, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report ('FIR') vide Crime No. 600/2022 for the offence punishable under Section 307 of the Indian Penal Code registered with Police Station Kanhan, Dist. Nagpur on account of settlement in between the parties.

4. The informant-lady has filed report against the applicant-husband alleging that on 16.10.2022, the applicant poured kerosene at her person and attempted to commit murder, therefore the report.

5. The matter was settled between the parties who are husband and wife. The couple got married on 07.05.2006 and having a daughter from wedlock. It appears that out of matrimonial dispute, the incident occurred as of sudden. The informant has settled the matter and started to reside with the applicant-husband.

The parties have filed the compromise deed, wherein the informant gave her no objection to quash the proceeding. She also stated that presently she is happily residing with the applicant-husband.

6. The informant-lady is present before us who is identified by her Advocate Mr. S. R. Pimple. On inquiry, she has admitted about the settlement and her no objection for quashing of FIR. Though the offence is under Section 307 of the Indian Penal Code, however this case has its peculiar factors. It is an occurrence between husband and wife. The lady stated that after incident, she went to her maternal house, but within one week, settlement arrived and in presence of that she has joined the company of her husband. She stated that from last six months, she is residing with the applicant-husband and urged to quash FIR to protect her matrimonial ties.

7. We have also examined the nature of occurrence, wherein husband has merely poured a kerosene on the person of informant, but did nothing thereafter. Perhaps that may be an attempt to threaten the wife. No one was injured in the occurrence.

Considering said factual aspect and more particularly that the couple is residing together, it would be in the interest of justice to invoke inherent jurisdiction. We are of the considered view that in order to secure the ends of justice, discontinuation of criminal prosecution is warranted.

8. In view of above peculiar facts, application stands allowed. We hereby quash and set aside FIR vide Crime No. 600/2022 for the offence punishable under Section 307 of the Indian Penal Code registered with Police Station Kanhan, Dist. Nagpur.

9. Application stands disposed of in above terms.

(BHARAT P. DESHPANDE, J)

(VINAY JOSHI, J.)

Gohane