

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

CRIMINAL APPLICATION (APL) NO. 26/2023

1. Ashish Shriram Makeswar,
Age 32 yrs., Occ. Male nurse,
2. Shriram Sadashiv Makeswar,
Aged 67 years., Occ. Retired.
3. Shila Shriram Makeswar,
Aged 58 years, Occ. Household,

Applicant Nos. 1 to 3 R/o. Rahul Nagar,
Bicchu Tekdi Camp, Amravati,
Tq. & Dist. Amravati.
4. Arpana Snehal Kharat,
Aged 35 yrs., Occ. Staff Nurse,
R/o. Tukdoji Square,
near Super Specialty Hospital,
Nagpur, Tq. & Dist. Nagpur.
5. Ashok Babarao Gayakwad,
Aged 62 yrs, Occ. Tailor,
R/o. Shirajgaon Kasba, Tq. Chandur Bazar,
Dist. Amravati.

APPLICANTS

VERSUS

1. The State of Maharashtra,
through the Police Station Officer,
City Police Station, Khamgaon,
Tq. Khamgaon, Dist Buldhana.
2. Sneha Ashish Makeswar,
Aged 30 yrs., Occ. Nurse,
C/o. Sanjay Madhukarrao Sandashiv,
R/o. Vinayak Nagar Wadi,
near Suabhagya lawn, Khamgaon,
Tq. Khamgaon, Dist. Buldhana.

NON-APPLICANTS

Mrs. S. S. Jadhav, Advocate for applicants.

Mr. M.J.Khan, Additional Public Prosecutor for non-applicant No.1.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES JJ.

DATE : 06.02.2023

ORAL JUDGMENT (PER VINAY JOSHI, J.)

Rule. Rule is made returnable forthwith. Heard finally
by consent of both counsel.

2. This is an application seeking to quash First Information Report ('FIR') in Crime No. 435/2020 registered with Khamgaon Police Station, Tahsil Khamgaon, District Buldhana for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code.

3. The applicants are husband and nearer relatives of husband of non-applicant No. 2, wife. The marriage took place on 30.10.2018, from which the couple had a baby. Due to persistent differences, couple found difficult to live together. By intervention of well wisher and relatives, the parties have decided to sever matrimonial ties. In view of settlement, they had applied to the competent Court for divorce by mutual consent under Special Marriage Act. Accordingly, a decree of divorce has been passed on 03.12.2022. While settling the dispute, the parties have decided to withdraw all pending criminal proceedings

including existing one. To that effect, the non-applicant No. 2, filed p. 1 dated 06.02.2023 in the Court.

4. Non-applicant No. 2 Sneha is present in Court with her father Sanjay Madhukar Sadanshiv. The non-applicant-lady has been identified by applicants' Advocate Ms. Jadhav. We have inquired with her to which she accepted the settlement and submitted that she does not want to prosecute with Crime No. 435/2020 registered at her instance.

5. The dispute is domestic one having no social impact. Since the couple has decided to separate and move ahead in life no fruitful purpose would be served in continuing criminal cases, as it would be exercise in futility.

6. In view of above, application is allowed. We hereby quash and set aside Crime No. 435/2020 registered with Khamgaon Police Station, Tahsil Khamgaon, District Buldhana for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code.

7. Inform concerned Police accordingly.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)