

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

CRIMINAL APPLICATION NO.304 OF 2023

Mr. Abhishek s/o Mahesh Kumar Mishra,
Aged about 36 years, Occupation –
Private Service, resident of Flat No.401,
4th floor, Jain Residency, Beside Shanti
Nitektan Apartment, Kachiguda –
500027, Hyderabad (Telangana) Mobile
No. 09704930111

2. Mahesh Kumar Nagarmal Mishra, aged
about – 66 years, Occupatin- Private,
resident of Flat No.401, 4th floor, Jain
Residency, Beside Shanti Nitektan
Apartment, Kachiguda – 500027,
Hyderabad (Telangana)
3. Leela w/o Mahesh Kumar Mishra, aged
about 59 years, Occupation – Housewife,
Resident of Flat No.401, 4th floor, Jain
Residency, Beside Shanti Nitektan
Apartment, Kachiguda – 500027,
Hyderabad (Telangana)
4. Pradeep Maheshkumar Mishra, aged
about 38 years, Occupation – Private,
resident of Flat No.401, 4th floor, Jain
Residency, Beside Shanti Nitektan
Apartment, Kachiguda – 500027,
Hyderabad (Telangana)
5. Sau. Kusum w/o Pradeep Mishra, aged
about – 38 years, Occupation –
Housewife, resident of Flat no. 401, 4th
floor, Jain Residency, Beside Shanti

Nitektan Apartment, Kachiguda –
500027, Hyderabad (Telangana)

... APPLICANTS.

VERSUS

1. The State of Maharashtra, through Officer In-charge, Ranapratap Police Station, Nagpur, Tahsil & District – Nagpur (Maharashtra State)
2. Mrs. Pranita w/o Abhishek Mishra @ Ku. Pranita d/o Nandkishor Sharma, aged about 35 years, Occupation – Housewife, resident of Plot No.3, New Ganesh Colony, Pratap Nagar, Nagpur – 440022, Tahsil & District – Nagpur (Maharashtra State) Mobile No.9975076367

... NON-APPLICANTS

Advocate Winy Daigavane, Advocate h/f Shri Akhtar Ansari,
Advocate for the applicants.
Shri Thakre, A.P.P for the non-applicant/State.
Advocate S.N. Singh, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 17/03/2023.

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

Heard. **ADMIT.**

2. Heard finally by consent of learned Counsel appearing for

the respective parties.

3. This is an application seeking to quash the First Information Report vide Crime No. 180 of 2022 registered with the Ranapratap Nagar, Nagpur City for the offence punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code as well as related Criminal Case bearing R.C.C. No.3387 of 2022.

4. The matter is settled in between the husband and wife, therefore, they have approached to this Court with an urge to invoke inherent powers under Section 482 of the Code of Criminal Procedure. The couple has no issues from the marriage. It was found that the marriage is not workable therefore, with the intervention of relatives, both have decided to sever matrimonial ties permanently. In view of settlement, they have applied to the Family Court for a decree of divorce by mutual consent. It was decided that the husband shall return all ornaments/articles and gifts as well as pay lump-sum sum of Rs.12,00,000/- (Rupees Twelve Lakh only) towards maintenance. In pursuance of settlement, divorce proceedings has been filed, which is pending. The ornaments/articles and sum as agreed, has been paid.

5. Non-applicant no.2 wife is present before us, who is identified by her Counsel. On inquiry, she accepted the compromise,

receipt of articles/ornaments and entire payment through Demand Draft. She also gave her no objection to quash the Criminal proceeding. Non-applicant no.2 has also filed a reply affidavit affirming the settlement and receipt of articles and sum as agreed. Both parties have made a statement before us that they would withdraw all other pending proceedings against each other. Since it is a domestic dispute, it has no social impact. Obviously continuation of proceedings would be abuse of the process of Court. We deem it appropriate to quash the concerned criminal proceeding.

6. The criminal application is allowed. The First Information Report vide Crime No. 180 of 2022 registered with the Ranapratap Nagar, Nagpur City for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code along with the Criminal Case bearing R.C.C. No. 3387 of 2022 pending on the file of Judicial Magistrate First Class, Nagpur is hereby quashed and set aside.

7. The application stands disposed of. No order as to costs.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)