



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

CRIMINAL APPLICATION (APL) NO. 47 OF 2024

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| <p>1. Ankush s/o Nilkanthrao Bambal
Aged about 32 years,
Occupation : Business,
R/o. Behind Atul Mangal Karyalaya,
Rukhmini Nagar, Amravati,
Tq. & Dist. Amravati.</p> <p>2. Tejas s/o Raju Jamthe
Aged about 34 years,
Occupation : Business,
R/o. Jamthe Hospital, Vijay Colony,
Amravati, Tq. & Dist. Amravati.</p> | <p style="font-size: 3em;">}</p> | <p>... Applicants</p> |
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Versus

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| <p>1. State of Maharashtra,
Through Police Station Officer,
Frezarpura, Amravati,
Tq. & Dist. Amravati.</p> <p>2. Tanvi w/o Ankush Bambal
(Tanvi d/o Kishor Kadu)
Aged about 30 years,
Occupation : Household & Education,
R/o. C/o. Kishor Kadu, Behind Atul
Mangal Karyalaya, Rukhmini Nagar,
Amravati, Tq. & Dist. Amravati</p> | <p style="font-size: 3em;">}</p> | <p>... Non-applicants</p> |
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AND

CRIMINAL APPLICATION (APL) NO. 48 OF 2024

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|--|------------------------------|
| <p>1. Ankush s/o Nilkanthrao Bambal
Aged about 32 years,
Occupation : Business,
R/o. Behind Atul Mangal Karyalaya,
Rukhmini Nagar, Amravati,
Tq. & Dist. Amravati.</p> <p>2. Nilkanthrao s/o Janraoji Bambal</p> | <p>... Applicants</p> |
|--|------------------------------|

Aged about 67 years,
Occupation : Retired Officer.

3. Sau. Sarita w/o Nilkanthrao Bambal
Aged about 60 years,
Occupation : Household
Applicants No.1,2 and 3 are
R/o. Behind Atul Mangal Karyalaya,
Rukhmini Nagar, Amravati,
Tq. & Dist. Amravati.

... Applicants

Versus

1. State of Maharashtra,
Through Police Station Officer,
Rajapeth, Amravati,
Tq. & Dist. Amravati.
2. Tanvi w/o Ankush Bambal
(Tanvi d/o Kishor Kadu)
Aged about 30 years,
Occupation : Household & Education,
R/o. C/o. Kishor Kadu, Behind Atul
Mangal Karyalaya, Rukhmini Nagar,
Amravati, Tq. & Dist. Amravati

}

... Non-applicants

AND

CRIMINAL APPLICATION (APL) NO. 86 OF 2024

1. Ankush s/o Nilkanthrao Bambal
Aged about 32 years,
Occupation : Business,
2. Nilkanthrao s/o Janraoji Bambal
Aged about 67 years,
Occupation : Retired Officer.
3. Sau. Sarita w/o Nilkanthrao Bambal
Aged about 60 years,
Occupation : Household
Applicants No.1,2 and 3 are
R/o. Behind Atul Mangal Karyalaya,
Rukhmini Nagar, Amravati,
Tq. & Dist. Amravati.

}

... Applicants

Versus

1. State of Maharashtra,
Through Police Station Officer,
Rajapeth, Amravati,
Tq. & Dist. Amravati.
2. Tanvi w/o Ankush Bambal
(Tanvi d/o Kishor Kadu)
Aged about 30 years,
Occupation : Household & Education,
R/o. C/o. Kishor Kadu, Behind Atul
Mangal Karyalaya, Rukhmini Nagar,
Amravati, Tq. & Dist. Amravati

... Non-applicants

Mr. Kshitij V. Kothale, Advocate for applicants.

Mr. A.B. Badar, APP for non-applicant No.1.

Mr. P.R. Agrawal, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.**

DATE : 15.01.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

We have taken all applications together
for disposal, since parties and issue is one and the same.

(2) Heard finally by consent of both the learned counsel
for the parties.

(3) **Admit.**

(4) At the instance of wife (Tanvi) three different FIRs
have been lodged against the husband, his relatives and friend. Crime
No.394/2019 was registered with Frezarpura Police Station, District –

Amravati for the offences punishable under Sections 294, 323, 506(2) read with Section 34 of the Indian Penal Code against husband Ankush and his friend Tejas. In said crime, investigation is completed and charge-sheet has been filed which is numbered as RCC No.527/2020. Similarly, at the instance of wife (Tanvi) Crime No.98/2019 has been registered at Police Station Rajapeth, District – Amravati, for the offences punishable under Sections 294, 323, 504, 506 read with Section 34 of the Indian Penal Code, similarly, investigation is completed and charge-sheet has been filed which is numbered as RCC No.3549/2020.

(5) The wife (Tanvi) has also filed a report with Police Station Rajapeth, District – Amravati, for the offences punishable under Sections 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, against husband and in-laws, which is registered as Crime No.63/2016. In said crime, investigation is completed and charge-sheet has been filed which is numbered as RCC No.368/2016. All criminal proceedings are pending in different Court's. It is informed that in RCC No.368/2016, the evidence of wife (Tanvi) has been partially recorded. In rest of the two

criminal cases yet evidence has not commenced. It is informed that the wife has also filed an application to the Magistrate in terms of Section 12 of the Domestic Violence Act, however, it was dismissed, appeal against the said order was withdrawn.

(6) It reveals that within one year of the marriage differences arose which led to trapping the other side into different types of litigation. The couple is young, however, they have wasted their valuable life span in fighting litigation. Finally, they realized that the litigation would yield nothing, hence, with the intervention of elderly, they have settled the differences to the entirety. It was agreed that the decree of divorce granted on the ground of cruelty shall be converted into divorce by mutual consent. The husband has agreed to pay sum of Rs.21,00,000/- (Rupees Twenty One Lakhs Only) towards final settlement. The said amount has already been deposited with this Court. Besides that, some other terms have been incorporated in the settlement to end all sorts of litigation and differences. The copy of settlement deed has been produced in Writ Petition No.7360/2022 in this Court.

(7) Today, both husband and wife are present before us.

Particularly, the informant wife has stated about settlement, deposit of settlement sum and her no objection, to go on with all three proceedings. The couple is a young, having no issue from the marriage. They have expressed that pendency of this criminal prosecution may preclude them from taking further steps in their life as marriage has already been dissolved. The offences cannot be termed as heinous or anti social. In view of the settlement, we have no hesitation to invoke our inherent jurisdiction, hence, the following order : -

ORDER

1. The Criminal Application (APL) No.48/2024 is allowed. We hereby quash and set aside the criminal prosecution namely RCC No.368/2016, pending on the file of 15th Judicial Magistrate First Class, Amravati, arising out of FIR in Crime No.63/2016, registered with Police Station Rajapeth, District – Amravati, for the offences punishable under Sections 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

2. The Criminal Application (APL) No.47/2024 is

allowed. We hereby quash and set aside the criminal prosecution namely RCC No.527/2020, pending on the file of 11th Judicial Magistrate First Class, Amravati, arising out of FIR in Crime No.394/2019 registered with Police Station Frezarpura, District – Amravati, for the offence punishable under Sections 294, 323, 506(II) read with Section 34 of the Indian Penal Code.

3. The Criminal Application (APL) No.86/2024 is allowed. We hereby quash and set aside the criminal prosecution namely RCC No.3549/2020, pending on the file of 8th Judicial Magistrate First Class, Amravati, arising out of FIR in Crime No.98/2019 registered with Police Station Rajapeth, District – Amravati, for the offence punishable under Sections 294, 323, 504, 506 read with Section 34 of the Indian Penal Code. Though, the trial has commenced in one of the proceeding, having regard to nature of litigation and the welfare of the parties, we see no reason to exceed the prayer.

(8) The criminal applications stand disposed of accordingly.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity