



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

CRIMINAL APPLICATION (APL) NO.1119/2024

1. Rahul S/o Shankarrao Nalawade,
(husband of respondent No.2)
age 28 Yrs., Occ. Service, R/o 6805,
Lebanon Road, Frisco, Texas,
Pin 75034.
2. Shankarrao S/o Murlidhar Nalawade,
(father in law of respondent No.2)
age 58 Yrs., Occ. Service,
(Primary Teacher).
3. Mandabai W/o Shankarrao Nalawade,
(mother in law of respondent No.2)
age 5 Yrs., Occ. Service,
(Primary Teacher).
4. Vaishnavi D/o Shankarrao Nalawade,
(sister in law of respondent No.2),
age 24 Yrs., Occ. Education.
5. Yuvraj S/o Shankarrao Nalawade,
(brother in law of respondent No.2)
age 19 Yrs., Occ. Education.

Applicants No.2 to 5 R/o Nalawade
Niwas, Madhav Nagar, Paithan,
Tq. Paithan, Distt. Aurangabad.

... Applicants

- Versus -

1. The State of Maharashtra,
through its Investigation Officer,
Khadan Police Station, Akola,

Tq. and Distt. Akola.

2. Gayatri W/o Rahul Nalawade,
age 27 Yrs., Occ. Service,
R/o C/o Aruna Ravikant Thakare,
Datta Colony, Gaurakshan Road,
Akola, Tq. & Distt. Akola. ... Non-applicants

Mr. J.S. Chilotra, Advocate for the applicants.
Ms. K.H. Bhondge, A.P.P. for non-applicant No.1/State.
Mr. P.K. Mohta, Advocate for non-applicant No.2.

CORAM: VINAY JOSHI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 19.8.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. This is an application seeking to quash F.I.R. in Crime No.0137/2024 registered by non-applicant No.1 for the offence punishable under Sections 498-A, 294, 323, 342, 377 and 504 read with Section 34 of Indian Penal Code on account of settlement.

3. The informant lady got married with non-applicant No.1 on 23.1.2023. Soon after the marriage she started residing with her husband and in-laws. Within short time it was realized by both of them that they could not live together due to temperamental differences. The informant lady lodged the report against the applicants feeling matrimonial harassment.

4. In the meantime, with the intervention of elder members of the family both gave a second thought but they were firm to sever matrimonial ties. In the circumstances, the matter is mutually settled. Both of them applied to the Family Court for seeking decree of divorce. Informant agreed for withdrawal of criminal prosecution.

5. Today the informant has appeared before us. She has filed an affidavit stating about her no objection to quash the proceedings. The offence is matrimonial one. Yet the police have not filed the chargesheet.

6. Having regard to the above facts, it is a fit case to exercise our inherent powers.

Application is allowed.

We hereby quash and set aside F.I.R. in Crime No.0137/2024 registered by non-applicant No.1 for the offence punishable under Sections 498-A, 294, 323, 342, 377 and 504 read with Section 34 of Indian Penal Code.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)