



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

CRIMINAL APPLICATION NO. 391 OF 2024

Mayur Vishnupanth Kichambare and ors.

..vs..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms.Aasavari S. Kale, Advocate for the applicant.
Mrs. S.S. Jachak, Addl.P.P. for the State.
Shri Pritesh Atkar, Advocate for the non-applicant no.2

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 29/08/2024.

Heard.

2. This is an application seeking to quash the criminal prosecution bearing R.C.C. No.2080/2022 arising out of the First Information Report No.371 of 2021 registered with the Nandanwan Police Station, Nagpur City for the offence punishable under Sections 323, 406, 498-A, 109 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961, on account of settlement.

3. The couple got married in the year 2019 and after some days, feeling matrimonial harassment, the informant has lodged the report. In the meantime, with the aid and intervention of elderly members of the family, the matter has been settled. The couple was of the firm opinion that they cannot live together, hence they decided to sever matrimonial ties. Both have jointly applied for a decree of divorce, which was granted by the Family Court on 16.01.2023. As a part of settlement, the

informant agreed to withdraw the criminal prosecution. The informant lady is present before the Court, who is identified by her Counsel Shri Atkar. She has filed an affidavit-in-reply stating about the settlement and gave her no objection to quash the proceeding. She has also stated that knowingly she has waived her right of maintenance.

4. It is a matrimonial dispute and the alleged offence cannot be termed as heinous or anti-social. In the circumstance, we are inclined to exercise our inherent powers by allowing the criminal application. Hence, the criminal application is allowed. We hereby quash and set aside criminal prosecution bearing R.C.C. No.2080/2022 arising out of the First Information Report No.371 of 2021 registered with the Nandanwan Police Station, Nagpur City for the offence punishable under Sections 323, 406, 498-A, 109 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961, against the present applicants.

5. The Criminal Application stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)