



Judgment

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

CRIMINAL APPLICATION [APL] No. 428/2024.

1.Kishor s/o Mohanlal Yadav,
Aged about 24 years, Occupation – Service,

2.Chandrakala w/o Mohanlal Yadav,
Aged about 69 years, Occupation Household,

3.Mohanlal s/o Sitaram Yadav,
Aged about 69 years, Occupation -Retired,

All residents of Plot No.227, Mahada Colony,
Godhani Road, Mankapur, Nagpur. ...

APPLICANTS.

VERSUS

1.State of Maharashtra,
through P.S.O. Mankapur,
Nagpur.

2.Shikha w/o Kishor Yadav,
Aged about 29 years, Occupation – Private
Service, resident of Plot No.241, State
Bank Colony, Anant Nagar, Nagpur. ...

NON-APPLICANTS.

Mr. C.J. Dhumane, Advocate for Applicants.
Mr. N. Joshi, A.P.P. for Non-applicant No.1 – State.
Ms F. Khan, Advocate for Non-applicant No.2.

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

DATE : MARCH 14, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. **Admit.**

By consent of the learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the charge sheet registered as R.C.C. No.3619/2020 arising out of first information report bearing Crime No.343/2020 registered with Mankapur Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, on account of mutual settlement.

3. The informant lady got married with the applicant no.1 on 03.02.2020 and resumed to cohabit with her husband and in-laws. Within few days she perceived matrimonial harassment,

hence, she has lodged the report with the police. The matter was investigated and on completion charge sheet came to be filed. On enquiry, it is learnt that till date the prosecution has examined 5 witnesses and now the matter is posted for further evidence.

4. The informant lady has also filed an application to the Family Court No.2, Nagpur seeking maintenance. In said proceeding the Family Court has sent the matter for mediation, which turned to be successful. The terms of settlement have been decided. Both have agreed before the Mediator that they would sever the matrimonial ties and obtain decree of divorce. The husband has agreed to pay a sum of Rs.3.50 lakhs to the informant towards full and final settlement. In accordance with the said settlement, both have already filed a joint petition for divorce. The husband has also deposited the agreed sum of Rs.3.50 lakhs in the Family Court, Nagpur, which the wife is supposed to withdraw after the decree of divorce is passed.

5. It is one of the terms of settlement that the informant

would not prosecute the criminal case. The terms of settlement is produced on record. The informant has filed reply-affidavit stating about the settlement and her no objection to quash the proceeding. The informant lady is present before us and is identified by her Advocate Shri F. Khan. She has stated about her no objection to quash the proceeding.

6. The matter has already been mutually resolved by the couple. They have taken steps by filing divorce petition. In the circumstances, there is no purpose in continuing the criminal prosecution. However, we took a special note that in the trial Court evidence of 5 witnesses has been recorded. Naturally the trial Court has spent public time. At this juncture, the learned counsel for applicants submitted that applicants would deposit an amount of Rs.10,000/- towards costs.

7. The offence cannot be termed as heinous or antisocial in nature. The matter is already settled by way of mutual arrangement. In the circumstances, we deem it fit to invoke our inherent powers,

and proceed to pass the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The Charge Sheet registered as R.C.C. No.3619/2020 pending on the file of Judicial Magistrate First Class Court No.4, Nagpur arising out of first information report bearing Crime No.343/2020 registered with Mankapur Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, is hereby quashed and set aside.
- (iii) Applicants shall deposit an amount of Rs.10,000/- with the Government Pleader Library, High Court, Nagpur by 28.03.2024. List the matter for reporting compliance on 01.04.2024.

JUDGE

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