



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

CRIMINAL APPLICATION (APL) NO.496/2024

Smt. Arundhati Wd/o Nilesh Nibrad,
aged about 40 Yrs., Occ. Household,
R/o C/o Arvind Mohitkar, Plot No.170,
Nagpur - 440 025.

... Applicant

- Versus -

1. The State of Maharashtra,
through Police Station Officer,
Police Station, Pandharkawada,
Tahsil Kelapur, District Yavatmal.
2. Sau. Jyoti W/o Babanrao Nibrad,
aged about 66 Yrs., Occ. Household,
R/o Lokmanya Tilak Ward,
Pandharkawada, Tahsil Kelapur,
District Yavatmal.
3. Ashok S/o Gajanan Kalaskar,
aged about 57 Yrs., Occ. Private
Service, R/o Main Road, Pandharkawada,
Tah. Kelapur, Distt. Yavatmal.
4. Ms. Jyoti Bapurao Deshmukh,
aged about 39 Yrs., Occ. Household,
R/o Lokmanya Tilak Ward,
Pandharkawada, Tah. Kelapur,
Distt. Yavatmal.
5. Sanjay Gopalrao Mahajan,
aged about 48 Yrs., Occ. Stamp Vendor,
R/o Shivaji Ward, Pandharkawada,
Tah. Kelapur, Distt. Yavatmal.

... Non-applicants

Mr. R.M. Pande, Counsel for the Applicant.
Mr. M.A. Kadu, A.P.P. for Non-applicant No.1.
Mr. S.Y. Deopujari, Counsel for Non-applicant Nos.2 to 5.

CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 22.3.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

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

Heard finally by consent of learned counsel for the parties.

2. By this application the applicant who is original informant seeks invocation of inherent powers of this Court in quashing chargesheet (R.C.C. No.93/2016) arising out of Crime No.0299/2014. It is informed that though chargesheet has been filed and charge is framed, however, the evidence has yet not commenced.

Corrected as per
Order 5th April, 2024.

3. The parties had several cases against each other. The informant is daughter in law of non-applicant No.2 Jyoti.

Informant's husband Nilesh died in the year 2013. It is applicant's case that after demise of her husband non-applicants have prepared forged and fabricated will bequeathing entire property to other family members excluding the applicant widow. On the basis of these principal allegations report was lodged which culminated into filing of chargesheet.

4. The informant has also filed a petition for maintenance under Hindu Adoption and Maintenance Act against in-laws. The Family Court has partly allowed the petition whereby awarded maintenance to the informant and her son. Being aggrieved the said order was challenged by parents in-laws in this Court vide Family Court Appeal No.28/2016. During the pendency of appeal the matter was referred for mediation which turned to be successful. The parties have entered into settlement by executing terms of settlement which are tendered in this Court. On the basis of settlement this Court had disposed Family Court Appeal vide order dated 18.1.2023. It was one of the term of

settlement that the parties shall withdraw the rival proceedings filed against each other. In pursuance of settlement the applicant /informant herself has come to this Court seeking to quash the entire prosecution on account of settlement.

5. The informant lady is present before us. She is identified by her Counsel Mr. Pande. The informant stated about the settlement and her urge for quashing of the proceedings. It is informed that in terms of settlement first instalment of Rs.5,00,000/- was already withdrawn by informant and the remaining agreed sum of Rs.22,00,000/- deposited in this Court is supposed to be withdrawn by informant after disposal of this petition. The learned Counsel appearing for non-applicants accused made a statement that after disposal of this application the non-applicants have no objection for withdrawal of said sum.

6. It reveals that it was a family dispute *inter se* which gave rise to the lodgement of police report. The matter has been amicably settled in between the parties. As per settlement terms

already a sum decided was deposited. The offence cannot be termed as heinous or antisocial.

7. In view of above, the application is allowed.

We hereby quash and set aside the F.I.R. 0299/2014, chargesheet and criminal prosecution namely R.C.C. No.93/2016 pending on the file of learned Judicial Magistrate First Class, Kelapur.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)