



Judgment

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

CRIMINAL APPLICATION [APL] NO.631/2024.

1.Digamber s/o Narayan Telghare,
(Husband), Aged about 38 years,
Occupation – Private.

2.Nirmala w/o Narayan Telghare,
(Mother-in-law), Aged about 62 years,
Occupation – Housewife.

3.Ganesh s/o Narayan Telghare,
(Brother-in-law),

4.Kusum d/o Narayan Telghare,
(Sister-in-law),

resident of Plot No.1301/D, Near Sarswati
High School, Binaki Power House,
Vaishali Nagar, Nagpur.

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APPLICANTS.

VERSUS

1.State of Maharashtra,
Through P.S.O. Panchpaoli,
Tahsil and District Nagpur.

2.Sau. Dhanashree @ Pinki w/o
Digamber Telghare, Age 35 years,
Occupation – Housewife, resident
of Plot No.605, Aashirwad Nagar,

Rgd.

Near Kedare Nursing Home,
Nagpur.

... NON-APPLICANTS.

Ms A.Y, Singh Jurel, Advocate for Applicants.
Mr. S.V. Narale, A.P.P. for Non-applicant No.1.
Mr.G.C. Khond, Advocate for Non-applicant No.2.

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

DATE : APRIL 17, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Admit.

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

2. This is an application seeking to quash criminal
prosecution namely R.C.C.No.3631/2017 arising out of the first
information report bearing Crime No.372/2016, registered with
Panchpaoli Police Station, Nagpur for the offence punishable under

Rgd.

Section 498-A read with Section 34 of the Indian Penal Code, on account of settlement.

3. After marriage the informant suffered matrimonial harassment for which she has lodged a report with the police. The police have carried out investigation and filed charge sheet. The informant/wife has also filed proceedings under Domestic Violence Act.

4. As against this, applicant no.1 / husband has filed a petition for divorce before the Family Court, Nagpur. The learned Family Court Judge referred the matter for mediation, which turned to be successful. The parties have amicably settled the matter, decided to sever the matrimonial ties, and to withdraw the rival proceedings.

5. In pursuance of said settlement, the informant has filed reply-cum-affidavit stating about the settlement and her no objection to quash the proceeding. She is present before the Court today and

Rgd.

is identified by her Counsel. She has confirmed regarding the contents of her reply. Though the trial Court has partially recorded evidence, however, the matter has been settled. In the circumstances, continuation of prosecution would be against the interest of both, as it would not further the settlement. Further the offence cannot be termed as either antisocial or heinous.

6. In view of above, criminal application is liable to be allowed. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) Criminal Proceeding bearing R.C.C.No.3631/2017 arising out of the first information report bearing Crime No.372/2016, registered with Panchpaoli Police Station, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, is hereby quashed and set aside, against applicants.

JUDGE

JUDGE

Rgd.