



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

CRIMINAL APPLICATION NO. 658 OF 2021

Biswajit s/o Biplab Kumar Das 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

Shri Anirudh Ananthakrishnan, Advocate for the applicants.

Shri N.H. Joshi, Addl.P.P. for the State.

Shri A.P. Chaware, 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 First Information Report No.431 of 2020 registered with the Ajani Police Station, Nagpur City for the offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act, 1961, on account of mutual settlement.

3. The couple got married on 24.01.2018 as per the Hindu rites. After two years from the marriage, due to differences, both were started to reside separately. Feeling matrimonial harassment, the informant has lodged the report. She has also applied for grant of maintenance in terms of Section 125 of the Code of Criminal Procedure.

4. The matter has reached to this Court by way of criminal Revision arising out of order of interim

maintenance. Looking to the differences, this Court has referred the matter for mediation, which turned to be successful. The Terms of Settlement, which were signed by both the parties have been filed before the Revisional Court. A copy of the same has been produced on the record.

5. The informant lady is present before the Court, who is identified by her Counsel Shri A.P. Chaware. She has agreed about the settlement and also filed her reply stating about her no objection to quash the proceedings. Both have decided to obtain a decree of divorce by mutual consent and to comply all mutual obligations as set out in the terms of settlement.

6. The mother of the husband of the informant namely Reba w/o Biplab Humar Das is also present before the Court. She made a statement that she would withdraw the case of defamation against the informant filed in the Court of Siligudi, Dargiling, West Bengal. We treat her statement as an undertaking given to this Court, which shall be complied.

7. This is a matrimonial proceedings, which is amicably settled in between the parties. The alleged offences cannot be termed to be heinous or anti-social. In the circumstance, by allowing the criminal application, we hereby quash and set aside the First Information Report No.431 of 2020 registered with the Ajani Police Station, Nagpur City for the offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Dowry

Prohibition Act, 1961 against the present applicants.

8. The Criminal Application stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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