



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

CRIMINAL APPLICATION (APL) NO.819/2024

1. Shrikant s/o Manikrao Kumbhalkar (Husband) Aged about 41 years, Occupation – Private Job, R/o Plot No.55, Ma Dhangauri Nagar, Bhilgaon, Tah. Kamptee, Majri Road, Uppalwadi, Tah. Kamptee, District – Nagpur.
2. Mangala w/o Rajhans Astankar (Sister-in-law) Aged about 46 years, Occupation – Housewife, R/o Plot No.54 Dhangauri Layout, Bhilgaon, Tah. Kamptee District – Nagpur.
3. Rajhans s/o Gomaji Astankar (Brother-in-law) Aged about 54 years, Occupation – Service, R/o Plot No.54 Dhangauri Layout, Bhilgaon, Tah. Kamptee District – Nagpur.
4. Sarika w/o Ramdas Malewar (Sister-in-law) Aged about 39 years, Occupation – Housewife, R/o K.K. Nagar, Parsoda, Tah. Ramtek, District- Nagpur.
5. Swati Namdev Gadigone (Sister-in-law) Aged about 39 years, Occupation – Housewife, R/o Kali Mata Mandir Jawal, Matakhedi, Khapa, Tah. Saoner, District- Nagpur.
6. Namdeo s/o Deoraoji Gadigone (Brother-in-law) Aged about 52 years, Occupation – Private Job, R/o Ward No.11 Matakhedi, Khapa, Tah. Saoner, District – Nagpur.

- 7 Rohini w/o Nileshji Maske (Sister-in-Law)
aged about 37 years, occupation Household,
r/o Plot No.9 /10 near Sainath Hardware,
Padmavati Nagar, Godhani Railway Godhani Nagpur. **Applicants**

-Versus-

1. State of Maharashtra, Through its Police
Station Officer, Police Station
Yashodanagar, District – Nagpur.
2. Sau. Kanchan w/o Shrikant Kumbhalkar,
Aged about 37 years, Occupation –
Housewife, R/o Plot No.55, Ma Dhangauri
Nagar, Bhilgaon, Tah. Kamptee, Majri
Road, Uppalwadi, Tah. Kamptee, **Non-**
District Nagpur. **applicants**

Mr. N.R.Tekade, counsel for the applicants.
Mr.Amit Chutke, APP for the respondents.

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

DATE : 8th May, 2024

ORAL JUDGMENT (Per : Vinay Joshi, J.)

1. Heard. **Admit.** Heard finally with the consent of
the learned counsels for the rival parties.

2. This is an application seeking to quash criminal prosecution namely, Regular Criminal Case No.3597/2021 arising out of Crime No.442 of 2021, registered with Police Station Yashodhara Nagar, Nagpur City, for the offences punishable under Sections 377, 498-A, 323, 354-A, 504, 506(2) r/w 34 of the Indian Penal Code on account of mutual settlement.

3. The couple got married in the year 2007 on which the informant resumed to cohabit with her husband and in-laws. The couple has two issues from the marriage, however, due to matrimonial harassment and other atrocities, the informant returned to her matrimonial house in the year 2021 and lodged the report. The police have carried out the investigation and on completion filed the chargesheet. It is informed that though the trial Court has framed charges, however, the evidence has not commenced.

4. The informant-wife has also filed an application seeking maintenance and a petition for divorce in the Family

Court, Nagpur. During pendency of all these proceedings with the intervention of relatives and counsellor, the parties have amicably settled the dispute. Fortunately the settlement was in the shape of reunion of the couple. The informant started to reside with her husband along with her two children. In accordance with the settlement, the proceedings before the Family Court have been withdrawn.

5. The informant filed an affidavit-cum-reply stating about settlement and her no objection to quash the proceedings. The informant is present before us, who is identified by her Advocate. The informant, on our query, has stated about settlement and her no objection. Since the matter is settled and the couple is residing together, continuation of prosecution would be against their matrimonial future and thus would be abuse of the process of the Court.

6. In view of above, criminal application is allowed. We, hereby, quash and set aside criminal prosecution namely

Regular Criminal Case No.3597/2021 arising out of Crime No.442 of 2021, registered with Police Station Yashodhara Nagar, Nagpur City, for the offences punishable under Sections 377,498-A,323,354-A,504,506(2) r/w 34 of the Indian Penal Code.

(VRUSHALI V. JOSHI, J.)

(VINJAY JOSHI, J.)

Kavita