



Judgment

17 apl 1157.24

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

CRIMINAL APPLICATION (APL) NO. 1157/2024

1. Amol s/o. Shrikrushna Kothiya,
Age about 35 yrs, Occ. Service,
R/o. Plot No.158, Adivasi Colony,
near Tukdoji Putla, Nagpur.
2. Murlidhar s/o. Shrikrushna Kothiya,
Age about 40 yrs., Occ. Private Job,
3. Shrikrushna s/o. Surajdin Kothia,
age about 80 yrs., Occ. Nil,
4. Shakuntala w/o. Shrikrushna Kothiya,
age about 77 yr., Occ. Household,

All above applicant Nos. 3 to 5 are
R/o. at Post Kurha (Shankarpur),
Tah. Tiwsa, Dist. Amravati, P.S. Kurha.

5. Sau. Uma w/o. Hiralal Bothoriya,
Age about 51 yrs., Occ. Household,
R/o. Plot No. 22, Joshi Wadi Nagar,
Post Parvati Nagar, Ajani, Nagpur.

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APPLICANTS

VERSUS

1. State of Maharashtra through
P.S.O. Ajani, Dist. Nagpur.

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2. Sau. Juhi w/o. Amol Kothiya,
Age about 30 yrs., Occ. Private,
R/o. Plot No. 158, Adivasi Colony,
near Tukdoji Putla, Nagpur.

... NON-APPLICANTS

Mr. R.S. Bhiranware, Advocate for applicants.
Mr. M.K. Pathan, APP for non-applicant No.1/State
Non-applicant No.2 Sau. Juhi w/o. Amol Kothiya appears in person.

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

DATE : 23.08.2024.

ORAL JUDGMENT (PER: VINAY JOSHI, J.) :

Heard.

2. Admit.

3. This is an application seeking to quash charge-sheet vide RCC No. 1803/2019 arising out of vide crime No. 257/2018 for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code on account of settlement. It is informed that till date charges have not been framed.

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4. The non-applicant No.2 (informant) lady is present before us who is also identified by Mr. Bhiranware, learned counsel appearing for applicants. It is submitted that the matrimonial differences have been settled and now the couple is residing together. The informant has filed a short reply-affidavit stating about settlement and she is presently staying with her husband. It is submitted that the informant lady is having a small child. As she is residing with her husband, she does not wish to prosecute.

5. In view of above, continuation of prosecution would certainly be at the detriment matrimonial life of the parties. Thus, by invoking inherent jurisdiction of this Court, application is allowed. We hereby quash and set aside charge-sheet vide RCC No. 1803/2019 arising out of crime No. 257/2018 for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code on account of settlement.

6. Application stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)