



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

CRIMINAL APPLICATION (APL) NO. 1365 OF 2022

1. Nobel s/o Themraj Barapatre
Aged about 28 years, Occ. Private Job
2. Pushpalata @ Mangala wd/o Themraj
Barapatre, aged about 58 years,
Occ. Household, R/o. Plot No.73,
Nirmala Niwas Dhobe Layout, Baba Farid
Nagar, Koradi Road, Nagpur.
3. Rashmi w/o Rajeshkumar Mishra
Aged about 35 years, Occ. Lecturer,
4. Rajeshkumar Mishra
Aged about 48 years, Occ. Private Job,



... Applicants

Applicant Nos.3 & 4 R/o. Manish Nagar,
Wardha Road, Nagpur.

Versus

1. State of Maharashtra,
Through Police Station Officer,
P.S. Gadgenagar, Dist. Amravati.
2. Sau. Nikita w/o Nobel Barapatre,
Aged about years, Occ. Private Job,
R/o. G-104, Riddhi-Siddhi Apartment,
Commissioner Office, Amravati,
Old Bye-pass, Kanta Nagar,
Amravati – 444603.



... Non-applicants

Mr. S.D. Chande, Advocate for applicants.

Mr. S.Bissa, APP for non-applicant No.1.

Ms. Sapna Jadhav, Advocate for non-applicant No.2.

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

DATE : **15.03.2024**

ORAL JUDGMENT: (PER: Vinay Joshi,J)

On oral request, learned counsel for applicants is permitted to carry out necessary amendments in the prayer clause.

(2) Amendment be carried out forthwith.

(3) Heard finally by consent of both the learned counsel for the parties.

(4) **Admit.**

(5) This is an application seeking to quash charge-sheet (RCC No.1749/2022) arising out of Crime No.0849/2022 registered with Police Station Gadgenagar, District – Amravati, for the offence punishable under Sections 498-A, 504, 506, 323 read with Section 34 of the Indian Penal Code on account of settlement.

(6) The informant lady got married with applicant No.1 on 04.02.2020 and resumed to cohabit with her husband and in-laws. After few days, pursuing the matrimonial harassment, she had lodged report with the concerned police station. On the basis of which, crime has been registered. The police have completed investigation and filed charge-sheet. It is informed that though the trial Court has framed charges, however, evidence has not commenced.

(7) In the meantime, the parties have mutually settled the differences. The couple has no issue from the marriage. Both of them found it difficult to live together due to temperamental differences. They have decided to sever matrimonial ties by applying for divorce by mutual consent. The informant lady has completed engineering and doing private job. In pursuance of settlement, they have filed joint petition for divorce in the Family Court, Amravati. Since the informant is working for gain there was no monetary arrangement. Joint affidavit is filed by informant along with the copy of divorce petition.

(8) Today, the informant lady is present before us, who is identified by her counsel. On our query, she has stated about settlement and her no objection to quash the criminal prosecution. Particularly, she stated that there was no monetary arrangement but, she has voluntarily accepted the settlement as per the terms fixed. The dispute is of matrimonial nature. The offence cannot be termed as heinous or anti-social. In the circumstances, we deem it appropriate to invoke our inherent powers.

(9) In view of above, the application is allowed. We hereby quash and set aside criminal prosecution namely (RCC No.1749/2022) arising out of Crime No.0849/2022 registered with Police Station Gadgenagar, District – Amravati, for the offence punishable under Sections 498-A, 504, 506, 323 read with Section 34 of the Indian Penal Code.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity