



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

CRIMINAL APPLICATION (APL) NO. 108 OF 2024

1. Priyank s/o Navratna Yadav
Aged about 33 years,
Occ. Service

2. Asha w/o Navratna Yadav,
Aged about 57 years,
Occ. Household,
Both R/o Plot No.31/477,
Sector 3, Pratapnagar,
Jaipur – 302033

}

... Applicants

Versus

1. State of Maharashtra,
Through Police Station Officer,
Bajaj Nagar Police Station,
Nagpur.

2. Smt. Priya Jonniya w/o Priyank Yadav
Aged about 33 years,
Occ. Service, R/o. 228/A, Rachna Sahil
Apartments, Subhashnagar, T-Point,
Nagpur, P.S. Bajaj Nagar.

}

... Non-applicants

Ms. Aarti Singh, Advocate for applicants.

Mr. M.K. Pathan, APP for non-applicant No.1.

Mr. S.P. Deshpande, Advocate for non-applicant No.2.

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

DATE : 17.01.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

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

(2) **Admit.**

(3) By waiving notice, respondent No.2 has appeared through counsel.

(4) This is an application seeking to set aside FIR in Crime No.0008/2018 registered with Police Station Bajaj Nagar, District – Nagpur, for the offences punishable under Sections 498-A read with Section 34 of the Indian Penal Code, on account of settlement.

(5) The informant has appeared through Advocate by waiving notice. The informant stated that the matter is settled and she do not wish to prosecute the criminal case. She would submit that as per settlement, they have already applied to the Family Court for divorce by mutual consent.

(6) It is informed that yet the Family Court has not dispose the matter and the Demand Draft of agreed sum of Rs.6,40,000/- (Rs. Six Lakhs Forty Thousand Only) was to be paid in the Family Court.

(7) Since, FIR was registered in the year 2018, we have

enquired, as to whether, charge-sheet has been filed. Learned counsel for applicants would submit that earlier the same FIR was subject matter of challenge in Criminal Application No.5062/2018 in the said proceedings, this Court has partially quashed the FIR as against some of the accused. According to applicants, perhaps due to misconception, the police have not filed charge-sheet against the present applicants though, this Court declined to quash FIR against them.

(8) The period of four years has already gone and thus, learned APP to take instructions whether charge-sheet has been filed. Learned counsel for applicant undertakes to file affidavit about settlement.

(9) Stand over to **23.01.2024**.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity