



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

CRIMINAL APPLICATION (APL) NO.455 OF 2024

1. Ganesh S/o. Wasudeo Kunbithop,
Aged about 24 years, Occ. Labour,
R/o. Pimpalgaon Chambhare,
Tah. Barshitakli, District Akola (Husband)

2. Gunwant S/o. Gendalal Sarise,
Aged about 36 years, Occ. Labour
(Brother-in-law)

3. Sou. Kanta W/o. Gunwant Sarise,
Aged about 28 years, Occ. Household
(Sister-in-law)

Nos. 2 & 3 are R/o. Muramba (Kindkhed),
Tah. Murtizapur, District Akola.

... **APPLICANTS**

...VERSUS...

1. State of Maharashtra,
Through its Police Station Officer,
Police Station, Pinjar, Tah. Barshitakili,
District Akola.

2. Smt. Sunita W/o. Rustam Sultane,
Aged about 46 years, Occ. Household,
R/o. Jaulkhed, Tah. Akot, District Akola.
(Mother of Victim)

...**NON-APPLICANTS**

Mr. P. P. Sarise, Advocate for Applicants.
Mr. S. A. Ashirgade, A.P.P. for Non-applicant/State.
Mr. R. J. Shinde, Advocate for Non-applicant No.2.

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

DATED :- 20.03.2024

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

1. Heard. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.
2. By this application, the applicants are seeking to quash charge-sheet (Sessions Case No.27/2024) arising out of First Information Report in Crime No.264/2022 registered with Police Station, Pinjar, District Akola for the offence punishable under Sections 306, 498A read with Section 34 of the Indian Penal Code on account of mutual settlement.
3. The report has been lodged by one Sunita alleging that the applicants, who are the husband and relatives of the husband of the informant's daughter Pooja harassed her and thereby abetted her to commit suicide. The police have investigated the matter and filed the charge-sheet. It is informed that the Trial Court has not yet framed charges.
4. In the meantime, the parties have amicably settled the dispute. The informant is the mother of the deceased Pooja whilst her father died long back. The informant has filed affidavit-cum-reply stating therein that out of misunderstanding, she has filed a report. She stated that both sides are related to each other and thus, to maintain cordial relations, she does not wish to prosecute the matter. The informant has appeared before us on the last date, and has identified by her Counsel. The informant has

specifically stated that considering their relationship since prior to the marriage of Pooja, she does not wish to proceed. Moreover, she has stated that under misconception, she has lodged the report.

5. It reveals that after marriage, Pooja started to reside at the applicants' house. The allegations are of matrimonial harassment. Obviously, it is the informant's own conception that due to harassment Pooja has committed suicide. By the time, due to the settlement, she contended that out of misconception, she had filed the report. In order to establish the offence of abetment, there must be adequate *mense rea*. The alleged offence cannot be termed as heinous or of cruel nature. Since the parties have settled the dispute, there is every possibility that the informant could not support the prosecution case if put on trial. Particularly, it is canvassed before us that since prior to the marriage of Pooja both sides are related to each other and, therefore, to maintain the cordial relationship between two families, the settlement was made. Taking over all view of the matter and the settlement arrived between the parties, we deem it appropriate to invoke our inherent jurisdiction.

6. In view of above, the application is allowed. We hereby quash and set aside the charge-sheet (Sessions Case No.27/2024) arising out of First Information Report in Crime No.264/2022 registered with Police Station, Pinjar, District Akola for the offence punishable under Sections 306,

498A read with Section 34 of the Indian Penal Code on account of mutual settlement.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)