



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

CRIMINAL APPLICATION (APL) NO.1311 OF 2024

1. Smt. Jivisha @ Jayashree Pankaj Godhwani, Aged about 37 years, Occup. Business.
2. Sewaram Lalchand Thawani, Aged about 65 years, occup. Business.
3. Kavitatevi Sewaram Thawani, Aged about 60 years, Occup. Nil.

Applicant Nos.1 to 3 are all R/o Shanti Nagar, Madhav Nagar, Katni, District Katni, Madhya Pradesh.

Applicants.

-Versus-

1. State of Maharashtra, Through Police Station Officer, Jaripatka Police Station, Nagpur.
2. Shri.Pankaj Khemchand Godhwani, Aged 37 years, Occup. Business r/o Plot No.164, Sindhu Nagar Society, Near Kanta Typing Jaripatka, Nagpur 440014

Respondents

Mr. Parag Vidhani, counsel for the applicants.
Mr.A.A.Madiwale, A.P.P for non-applicant -State.
Mr.D.S.Jagyasi, counsel for non applicant No.2.

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

DATE : 10th SEPTEMBER, 2024

ORAL JUDGMENT (Per : Vinay Joshi, J.)

Heard.

2. Admit. The application is heard finally with the consent of

the learned counsel for the parties.

3. This is an application seeking to quash and set aside the charge-sheet bearing RCC No.4228 of 2022 pending before the 20th Joint Civil Judge Junior Division and JMFC, Nagpur, arising out of First Information Report No.613 of 2021, registered with Police Station Jaripatka, district Nagpur for the offence punishable under Section 379, 389, 406, 420, 506 and 120-B r/w 34 of the Indian Penal Code on account mutual settlement.

4. The informant is husband, whilst the applicants are wife and parents in-law of the informant. On account of matrimonial discord, rival proceedings have been filed in between the parties. The existing report is one of them, which is filed by the husband making certain allegations against the wife and in-laws.

5. Since, several petitions are pending, with the advice of family members, the couple has settled the differences and started to live together. They have arrived on consent terms of which copy is filed on record. Perhaps due to birth of child after separation, wisdom prevailed, on which the parties have settled their dispute and there was a reunion.

6. The informant-husband is present before us, who is identified by his counsel. He has stated about the settlement and no objection to quash the proceedings. The informant has also filed reply stating about his no objection. It is informed that yet trial court has not framed charges. The matrimonial dispute is settled by way of reunion, thus the continuation of prosecution would be against the interest of the couple. In the circumstances, in order to secure justice, we deem it appropriate to invoke our inherent powers.

7. In view of above, application is allowed. We, hereby, quash and set aside the charge-sheet bearing RCC No.4228 of 2022 pending before the 20th Joint Civil Judge Junior Division and JMFC, Nagpur, arising out of First Information Report No. 613 of 2021, registered with Police Station Jaripatka district Nagpur for the offence punishable under Sections 379, 389, 406, 420, 506 and 120-B r/w 34 of the Indian Penal Code.

8. Criminal Application stands disposed of.

(VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)