



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

CRIMINAL APPLICATION (APL) NO. 1422 OF 2024

1. Smt. Leena Sanjay Patil
(Mother in law), Age 55 yrs,
Occ. Housewife,

2. Ku. Sneha Sanjay Patil,
(Sister in law) Age 23 yrs,
Occ. Education

3. Nayan Sanjay Patil, (husband)
Age 29 yrs, Occ. Private

All r/o. Plot No. 210, Elegance
Residency, Tah. Akurdi, Dist Pune
Pune 412 101

..... **APPLICANTS**

...V E R S U S...

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

2. Smt. Aishwarya Nayan Patil,
Aged 24 yrs, Occ. Housewife,

R/o. Rathi Plot No. 16, Galli No. 3,
Near L Garden, Chandramani Nagar,
Rameshwari Road, Nagpur

.....**NON-APPLICANTS**

Mr. M.V. Rai, Advocate for applicants.
Mr. A.M. Ghogare, APP for non-applicant No.1/State.
Mr. M.B. Thool, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 27.11.2024

JUDGMENT (Per : Abhay J. Mantri, J.)

Heard. Admit. By consent of the learned Counsel for the parties, the matter is taken up for the final disposal.

2. The applicants have invoked the inherent jurisdiction of this Court under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("*BNSS*"- for short) to quash the First Information Report ("*FIR*", -for short) bearing Crime No. 180/2024, registered with Ajani Police Station, Nagpur, for the offence punishable under Sections 498-A, 323, and 504 read with Section 34 of the Indian Penal Code ("*IPC*", - for short).

3. Mr. Rai, the learned Counsel for the applicants and Mr. Thool, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties. Therefore, non-applicant No. 2/original complainant does not want to proceed further with the prosecution. Accordingly, applicant No. 3 Nayan, husband, and non-applicant No. 2 Aishwarya, the wife, submitted the affidavits stating that the matter has been amicably settled between them.

4. In brief, the facts are that the marriage of applicant No. 3 with non-applicant No. 2 was solemnized on 02.05.2023. Applicant No. 1 and 2 are the mother and sister of Applicant No. 3, respectively. On account of matrimonial discord, on 15.03.2024, non-applicant No. 2 lodged a report against the applicants with Ajni Police Station alleging that the applicants subjected her to cruelty on account of the demand for dowry. Based on the complaint, offences punishable under Section 498-A, 323, and 504 r/w Section 34 of the IPC came to be registered vide Crime No. 180/2024.

5. Being aggrieved by the registration of FIR, applicants filled this application to quash and set aside the FIR since the allegations made do not constitute the commission of any of the offences.

6. During the pendency of the application, the matter has been amicably settled between the parties. Accordingly, applicant No. 3 agreed to pay Rs. 5 lakhs to non-applicant No. 2 towards permanent alimony. Applicant no. 3 and non-applicant No. 2 also agreed to convert the divorce proceedings into mutual divorce proceedings before the learned Civil Judge Senior Division, Wardha,

in HMP No. 148/2024. It is also agreed that applicant No. 3 will pay Rs. 2,50,000/- to non-applicant No. 2 by demand draft today, and the remaining 2,50,000/- will be paid before the Civil Judge Senior Division, Wardha, in divorce proceedings.

7. On 22.11.2024, the applicants and non-applicant No. 2 were present before us and identified by their counsel. Both admitted the terms and conditions mentioned in their respective affidavits. Non-applicant No. 2 also admitted that she received a demand draft of Rs. 2,50,000/- towards part permanent alimony out of a total of Rs. 5 lakhs. She also submitted that she does not want to proceed with the complaint/proceedings and voluntarily gave no objection (without any fear or pressure) to quash the FIR.

8. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 also received part of the permanent alimony and gave no objection to quashing FIR. Moreover, the nature of the offence is neither heinous nor anti-social, but the same arises out of the marital dispute. Therefore, in our view, there is no reason to continue with the prosecution.

9. In the wake of the above, it would be proper to allow the application in terms of the settlement as it would not cause prejudice to any of the parties.

10. In the background above, we are satisfied that the case is made out to exercise our inherent powers to secure the ends of justice and to prevent abuse of the process of the law. Hence, we pass the following order:

(i) The Criminal Application is allowed.

(ii) We hereby quash and set aside FIR registered vide Crime No. 180/2024, with Ajani Police Station, Nagpur, for the offence punishable under Sections 498-A, 323, and 504 read with Section 34 of the Indian Penal Code.

(iii) The application stands disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)