



Judgment

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

CRIMINAL APPLICATION (APL) NO. 1648/2024

Narayan Govardhandas Mohnani,
Aged about 66 yrs., Occ. Business,
R/o. Wanjari Nagar, Nagpur.

... **APPLICANT**
(accused)

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station Koradi, Nagpur.
2. Riya w/o. Kamlesh Mohnani,
aged about 36 yrs., Occ. Housewife,
R/o. 27, Lalaoli, opposite Bank of
Maharashtra, Kamptee, Nagpur.

... **NON-APPLICANTS**

Mr. S.G. Shukla, Advocate for applicant.
Mrs. M. Deshmukh, APP for non-applicant No.1.
Mr. H.S. Chavhan, Advocate for non-applicant No.2

CORAM : VINAY JOSHI AND
ABHAY J. MANTRI JJ.

DATE : 11.11.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

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3. This is an application seeking to quash criminal prosecution namely RCC No. 3605/2016 arising out of Crime No. 176/2016 registered with Police Station Koradi, Nagpur for the offence punishable under Sections 354 of the Indian Penal Code on account of mutual settlement. Accused is father-in-law of the informant lady. The informant got married with the son of accused in the year 2014. and resumed for cohabitation. On 20.08.2016, the informant and accused were alone at their resident. In such situation, the accused made physical advance by touching her person as well as tried to touch her chest improperly. On the basis of such happening, report has been lodged. The Police carried investigation and on completion filed charge-sheet. The Trial Court has recorded evidence of six witnesses so far.

4. There are some other parallel proceeding in between informant and her husband. The informant has filed application under Section 12 of the Protection of Woman from Domestic Violence Act, 2012 and application seeking maintenance. As against this, the husband has also filed proceeding for divorce. The parties

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have entered into compromise before the Family Court. The copy of consent terms of settlement is placed on record. The parties have settled the sever matrimonial ties in permanency. The husband has agreed to pay sum of Rs. 10,00,000/-. It was one of the condition of settlement that the existing criminal prosecution would be disposed of by way of quashing.

5. The informant is present before us who has been identified by her counsel Mr. Chavhan. She has filed reply stating about her no objection to quash the proceeding. The informant lady, on our query affirmed about settlement and gave her no objection to quash the proceeding. True, the criminal case is pending since 2016 and till date evidence of six witnesses has been recorded. The matter has progressed, however there are no limitations on the inherent powers of this Court, if the quashing would secure ends of justice. It was a domestic dispute, in which report has been lodged by daughter-in-law against her father-in-law. The offence cannot be termed as heinous or anti-social. The matter has been settled between the parties by arriving on compromise. Having regard to the said fact, we deem it fit

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to exercise our inherent powers. The applicant has also expressed his willingness to deposit sum of Rs. 20,000/- towards cost for rotating State machinery for years together.

6. In view of above, the application is allowed. We hereby quash and set side criminal prosecution namely RCC No. 3605/2016 arising out of Crime No. 176/2016 registered with Police Station Koradi, Nagpur for the offence punishable under Sections 354 of the Indian Penal Code on account of mutual settlement.

7. The applicant shall deposit sum of Rs. 20,000/- to the High Court Bar Association, Nagpur within two weeks from today.

8. Application stands dispose of in above terms.

9. Stand over to 25.11.2024 for noting compliance.

(ABHAY J. MANTRI J.)

(VINAY JOSHI, J.)