



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

CRIMINAL APPLICATION (APL) NO. 1761 OF 2024

Nitin s/o Vitthalrao Zambre,
Aged about 38 yrs, Oc. Service,
R/o Flat No. 202, Gitanjali
Pride 2, 6th Cross, Malleshpalaya,
Bangalore, Karnataka 560 075

..... **APPLICANT**

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

1. The State of Maharashtra,
through Police Officer, Police Station
Ajni, Tah. Dist. Nagpur

2. Mrs. Shatabdi w/o Nitin Zambre,
Aged about 34 yrs, Occ. Service,
R/o C/o Shri Sudhir Wasnik,
Plot No. 61, Bhartiya Society, Prabhu Nagar,
(Manish Nagar), Somalwada, Nagpur

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

Mr. S.R. Puddatwar h/f Mr. D.M. Kale, Advocate for the Applicant.
Mr. A.J. Gohokar, APP for non-applicant No.1/State.
Mr. K.Y. Mandpe, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 20.12.2024

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 applicant is invoking the inherent jurisdiction of this Court under Section 482 of the Criminal Procedure Code to quash

and set aside the First Information Report (“*FIR*”, -for short) bearing Crime No. 313/2019, registered with Ajni Police Station, Nagpur, for the offence punishable under Section 498-A of the Indian Penal Code (“*IPC*”, - for short) and the consequential proceedings bearing RCC No. 3715/2019, pending before the learned Additional Chief Judicial Magistrate, Nagpur.

3. Mr. Puddatwar, the learned Counsel for the applicant, and Mr. Mandpe, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties before the learned judge of the Family Court. Accordingly, they have produced a copy of the settlement deed/consent terms filed before the Family Court. Pursuant to compromise, non-applicant No. 2 does not want to proceed further with the criminal prosecution pending against the applicant and has voluntarily given no objection to quash the same.

4. In brief, the facts are that the marriage of the applicant with non-applicant No. 2 was solemnised on 17/19.01.2017 as per rites and rituals prevailing in their community at Nagpur. On account of the matrimonial discord on 28/06/2019, non-applicant

No.2 lodged a report against the applicant and two others (his father and sister) with Ajni Police Station, Nagpur, alleging that they subjected her to cruelty on account of the demand for dowry. Based on the complaint, the offence punishable under Section 498-A of the Indian Penal Code came to be registered against them.

5. Being aggrieved by the registration of FIR, the applicant filed this application to quash and set aside the FIR and consequential criminal proceedings arising out of it since the matter has been amicably settled between them. Also, the allegations do not constitute the commission of any offence.

6. The applicant and non-applicant No. 2, along with her father, are present before the Court, and their respective advocates have identified them. Accordingly, they have produced a copy of the compromised deed/consent terms executed between them before the family court and a copy of the Settlement deed. Both have reiterated the contents of the compromise deed and their signatures on it. Also, non-applicant No. 2 has filed her affidavit stating that the matter has been settled between them before the family court, so she gave no objection to quashing the FIR. Non-applicant No. 2

also states that as per the said agreement, the applicant has agreed to pay Rs. 21 lakh to her before the Family Court, Nagpur, towards the full and final settlement amount of maintenance/permanent alimony. She further states that in view of the settlement, she does not want to proceed with the FIR and criminal proceedings arising out of it, so she has voluntarily given no objection to quashing the FIR and consequential criminal proceedings.

7. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 has agreed to accept Rs. 21 lacs towards the permanent alimony amount before the Family Court, and she has given no objection to quashing the FIR and consequential criminal proceedings. *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.

8. In light of the above, it would be proper to allow the application under the settlement as it would not prejudice the rights of any of the parties.

9. 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 the First Information Report bearing Crime No. 313/2019, registered with Ajani Police Station, Nagpur, for the offence punishable under Section 498-A of the Indian Penal Code and the consequential proceedings arising out of it bearing RCC No. 3715/2019, pending before the learned Additional Chief Judicial Magistrate, Nagpur.

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

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)