



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

Criminal Application (APL) No. 112 of 2025

1. Nikhil S/o Shrawanji Raut, Aged about 33 years, Occ. Private
2. Shrawanji S/o Natthuji Raut, Aged about 60 years, Occ. Nil
3. Sau. Nandabai W/o Shrawanji Raut, Aged about 54 years, Occ. Housewife
All applicant no.1 to 3 R/o At Present 23, Mitra Vihar Nagar, Ramana Maroti Road, Nagpur

... Applicants

// VERSUS //

1. The State of Maharashtra through its SHO Police Station Saoner, Nagpur Gramin, Tehsil Saoner, District Nagpur
2. Sujata alias Gayatri D/o Ratnakarji Ilatkar, Aged about 29 years, Occ. Nil R/o Plot No. 74, Ganesh Nagar, Holi Chowk, Ward No.9, Saoner, District Nagpur

... Non-applicants

Shri N.D.Sonare, Advocate for the applicants.
Shri A.R.Chutke, APP for the non-applicant/State.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 26th MARCH, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken for final disposal.

2. By way of present application, the applicants seek to quash and set aside the proceedings bearing Regular Criminal Case No. 25 of 2024 pending on the file of Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Saoner arising out of Charge-Sheet No. 18 of 2024 and First Information Report (FIR) No. 6 of 2024 registered with Police Station Saoner, District Nagpur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 1961.

3. On 3rd January, 2024, the non-applicant no.2 out of matrimonial discord lodged the police complaint against the applicants before the police station Saoner, District Nagpur (Rural).

4. During the pendency of the present application, applicant and non-applicant no.2 arrived at amicable settlement and decided for mutual divorce. Accordingly, Application No. A-1542 of 2023 came to be filed before the Family Court, Nagpur for mutual divorce. In the said proceeding, the applicant no.1 and non-applicant no.2 entered into a consent terms wherein non-applicant no.2 had specifically stated that she has no objection to withdraw the Regular Criminal Case No. 25 of 2024

pending against the applicants for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 196. In view of the mutual consent executed between them, the learned Family Court No.1, Nagpur by the judgment and order dated 21st November, 2024 granted mutual divorce to the applicant no.1 and non-applicant no.2

5. In the present case, the matter was adjourned twice for granting the opportunity to the non-applicant no.2 for her appearance. However, she choose not to appear in the matter.

6. In view of the judgment of Family Court No.1, Nagpur in Application No. A-1542 of 2023, it is clear that as per the consent terms recorded on 11th November, 2024, the application for mutual divorce is decreed and the marriage between them has been dissolved by mutual consent.

7. Hon'ble Supreme Court of India, time and again held that it is the duty of the Court to encourage genuine settlement of matrimonial dispute. It is also held that if for the purpose of securing ends of justice, quashing of FIR becomes necessary, Section 320 of Code of Criminal

Procedure would not be a bar to exercise the power of quashing of First Information Report. This view is recently reiterated by the Hon'ble Supreme Court in the case of B.S.Joshi and others Vs. State of Haryana and another reported in 2003(4) SCC 675.

8. In view of the fact that no fruitful purpose would be served if the criminal case is allowed to continue against the applicants. So also as per the terms of mutual consent, non-applicant no.2 unequivocally stated that she will withdraw all the criminal complaints against the applicants. We have no hesitation to allow the present application and set aside the proceeding of Regular Criminal Case No. 25 of 2024 pending against applicants.

9. In view of the aforesaid factual as well as legal position, we pass the following order.

- i. Criminal application is allowed;
- ii. The proceedings Regular Criminal Case No. 25 of 2024 pending on the file of Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Saoner arising out of Charge-Sheet No. 18 of 2024

and First Information Report (FIR) No. 6 of 2024 registered with Police Station Saoner, District Nagpur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 1961 is hereby quashed and set aside.

Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]