

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

CRIMINAL APPLICATION (APL) NO. 698 OF 2022

- 1) Shri Umesh S/o Krishnarao Sirpurkar,
Aged about 43 years, Occ. - Service,
r/o 202, Matoshree Apartment,
Rockstar Society, Vastushilp Nagar,
Friends Colony, Katol Road,
Nagpur 440013. Mob. No. 9403095598.
- 2) Sau. Naina W/o Umesh Shirpurkar,
Aged about 39 years, Occ. - Lawyer,
r/o c/o Adv. Prashant Masurkar,
Plot No.58, Saikrupa, Gulshan Colony,
Near Kiran T.V., infront of Devki
Apartment, Katol Road,
Nagpur 440013. Mob. No. 9403095609.

.... **APPLICANTS**

// VERSUS //

State of Maharashtra,
through Police Station Officer,
Police Station Gittikhadan,
Nagpur.

.... **NON-APPLICANT**

Mr. D.M. Kale, Advocate for the Applicant No.1.
Mr. S.R. Puddatwar, Advocate for the Applicant No.2.
Mr. S.D. Sirpurkar, Addl.P.P. for the Non-applicant.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATED : 23.06.2022

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. Following the complaint lodged by Applicant No.2 at the Police Station, Gittikhadan Nagpur City, police registered an offence punishable under Section 498A, 323, 504 and 506 of the Indian Penal Code against the Applicant No.1. Now, both the Applicants submit that they have amicably settled the dispute and in order to confirm the same, they have filed on record a joint Terms of Settlement in between them dated 10.01.2021. The Applicant No.1 and Applicant No.2 are personally present before the Court and they are identified by their respective counsel. They submit that all the terms and conditions mentioned in the Terms of Settlement have been voluntarily agreed upon by them and they would abide by the same.

3. Learned Additional Public Prosecutor submits that this is matrimonial dispute and therefore, appropriate order may be passed taking in view of the settled law.

4. Mr. Kale, learned counsel for the Applicants relies upon the case of *Madan Mohan Abbot Vs. State of Punjab, (2008) 4 SCC 582* wherein, it has been held that when the dispute between the parties is of private nature and does not reflect upon the affairs of the society, the

amicable settlement reached between the parties can be accepted and the offence arising out of such a dispute can be quashed by the Court in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

5. There is no doubt about the fact that the dispute is of the private nature and, therefore, we are of the view that it is squarely covered by the law declared by the Apex Court in the aforesaid case and also such other cases as *Gian Singh Vs. State of Punjab & Another*, (2012) 10 SCC 303, *B.S. Joshi & Others Vs. State of Haryana & Another*, (2003) 4 SCC 675, *State of Madhya Pradesh Vs. Laxmi Narayan & Others*, (2019) 5 SCC 688, *Parbatbhai Aahir Vs. State of Gujarat & Another*, (2017) 9 SCC 641 and *Narinder Singh & Others Vs. State of Punjab & Another*, (2014) 6 SCC 466.

6. In view of above, the Application is allowed in terms of prayer clause (i) which reads that as under :-

“Quash the F.I.R. No.0528 for the offences punishable under Section 498-A, 323, 504, 506 of IPC registered with Gittikhadan Police Station, Nagpur (Annexure-B), as well as Reg. Criminal Case No. 2402 of 2020, pending before the Learned 6th Joint Civil Judge, Junior Division & Judicial Magistrate First Class, Nagpur, arising therefrom, in the peculiar facts and circumstances of the case”.

This is, however, subject to the condition that the Applicant No.1 shall pay the costs of Rs.15,000/- (Rs. Fifteen thousand only), which shall be deposited in the account of Central Prison, Nagpur for the purpose of development of library, within two weeks from the date of the order, failing which this order shall stand cancelled and the Application shall stand restore to the original file of this Court.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Kirtak