

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

**Criminal Application (APL) No.286 of 2017**

*(Sushil s/o. Yashwantrao Ramteke and Ors. vs. Priyanka w/o. Sushil Ramteke and another)*

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 Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.

Court's or Judge's Orders

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*Mr.Pravin Dahat, Advocate for the Applicants.*  
*Ms Tajwan Khan, A.P.P. for the Respondent No.2.*

**CORAM** : SMT VASANTI A NAIK &  
 M. G. GIRATKAR, JJ.

**DATE** : 14.9.2017.

The Criminal Application is admitted and heard finally at the stage of admission with the consent of the learned Counsel for the parties.

By this Criminal Application, the applicants seek the quashing and setting aside of the First Information Report, the Charge sheet bearing No.180 of 2009 and the proceedings pending before the learned Judicial Magistrate, First Class, Court No.1, Nagpur in Criminal Case No.3409 of 2009.

The applicant no.1 was married to non-applicant no.1 on 28th December, 2008 at Nagpur. There is no issue to the parties from the said wedlock. The applicant nos. 2 and 3 are the father-in-law and mother-in-law respectively of the non-applicant no.1. Since there were lot of differences between the applicants and the non-applicant no1, the non-applicant no.1 started residing separately from her in-laws from 2009. There was a break down of the

marriage, as a result of which they decided to seek divorce by mutual consent. Sometime in the year 2009 only, the non-applicant no.1 had lodged a report against the applicants in a fit of anger. On the basis of the report filed by the non-applicant no.1 in the year 2009, the offences were registered against the applicants and one more in-law of the non-applicant no.1 namely Suraj Ramteke under Sections 498-A, 312, 506 r/w. Section 34 of the Penal Code. A charge sheet was filed and proceedings are pending against the applicants in the Court of Judicial Magistrate, First Class, Nagpur in Regular Criminal Case No.3409 of 2009. Since the applicant and the non-applicant no.1 have compromised the matter between them and a decree of divorce is passed by the Family Court at Nagpur by consent, the present application is filed with a prayer for quashing and setting aside the proceedings in Regular Criminal Case No.3409 of 2009.

The applicants and non-applicant no.1 are personally present in the Court today. The Counsel for the parties state that the divorce decree is passed by the Family Court on a joint application filed by the applicant no.1 and the non-applicant no.1. The applicants as well as the non-applicant no.1 state that since nothing went right between the applicant no.1 and non-applicant no.1 after they were married in 2008, in a fit of anger, she had filed a report against the applicants in the Police Station. It is stated by her that she is not desirous of prosecuting the applicants in the matter that is pending against them before the Judicial Magistrate, First Class, Nagpur. She states that the F.I.R. registered against the applicants and the proceedings

arising therefrom, may be quashed and set aside as the parties have arrived at an amicable settlement.

After making queries to the applicants and non-applicant no.1 for sometime we have realised that the applicants and non-applicant no.1 have settled their disputes amicably. It further appears that since there were serious disputes between the applicants and the non-applicant no.1 at the relevant time, the non-applicant no.1 had filed the report against the applicants in a fit of anger. We have perused the allegations in the F.I.R. Since the non-applicant no.1 is not desirous of prosecuting the applicants in the Criminal trial that is pending against them, it is most unlikely that the trial would result in the conviction of the applicants. Hence, by relying on the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab and another* reported in (2012) 10 SCC 303, we are inclined to quash and set aside the F.I.R, the charge sheet as also Regular Criminal Case No.3409 of 2009 pending in the Court of Judicial Magistrate, First Class, Nagpur by invoking the jurisdiction under Section 482 of the Code of Criminal Procedure with a view to prevent the abuse of process of Court and to secure the ends of justice.

Hence, for the reasons aforesaid, the Criminal Application is allowed. The F.I.R. registered against the applicants, the charge sheet bearing No.180 of 2009 as also Regular Criminal Case No.3409 of 2009 are hereby quashed and set aside. Order accordingly.

JUDGE

JUDGE

*\*jaiswal*