

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 383/2017

(AMIT CHANDRASHEKHAR DESHPANDE **VERSUS** STATE OF MAHARASHTRA & ANOTHER)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Piyush Shukla, Counsel for the applicant.
Shri K.R. Lule, Additional Public Prosecutor for the non-applicant no.1.

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

DATE : AUGUST 09, 2017.

By this criminal application, the applicant seeks the quashing of F.I.R. No.16 of 2016 registered by the non-applicant no.1 for the offences punishable under Section 354(D) of the Penal Code read with Section 67-A of the Information and Technology Act.

It is stated on behalf of the applicant that the applicant and the non-applicant no.2 were married and since there were disputes between the parties and they were residing separately, certain complaints were filed by the non-applicant no.2 against the applicant that the applicant was sending vulgar SMSs to the non-applicant no.2. It is stated that a crime is registered against the applicant for the offences punishable under Section 354(D) of the Penal Code read with Section 67-A of the Information and Technology Act. It is stated that the matter is compromised between the parties. It is stated that the parties had filed a petition under Section 13-B of the Hindu Marriage Act and a decree was passed by the Family Court, Nagpur in terms of the consent terms in the said petition.

It is stated by the parties who are personally present in the Court today that the dispute between them had arisen out of the matrimonial relationship and the offence was registered against the applicant due to the strained relationship. It is stated that in the circumstances of the case since the parties are not desirous of continuing the proceedings filed against each other, to secure the ends of justice, the first information report registered against the applicant may be quashed and set aside.

In view of the compromise entered into between the parties, who are personally present in the Court today and who state that they are *ad-idem* on the averments made in the criminal application, it would be necessary to quash the first information report registered against the applicant in view of the principles laid down by the Hon'ble Supreme Court in the case of *Gyan Singh Versus State of Punjab*, reported in **(2012) 10 SCC 303**. To secure the ends of justice, it would be necessary to exercise the extraordinary jurisdiction for quashing and setting aside the first information report registered against the applicant.

Hence, in the peculiar facts and circumstances of the case, the first information report registered against the applicant bearing F.I.R. No.16 of 2016 and the proceedings arising therefrom are hereby quashed and set aside. The criminal application is allowed in the aforesaid terms with no order as to costs.

JUDGE

JUDGE