

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

Criminal Application (APL) No.588 of 2017
(Sau. Meena w/o. Hemraj Patil and Ors. vs. State and another)

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

Court's or Judge's Orders

Mr.M.P.Karia, Advocate with Mr.Y.B.Mandpe, Advocate for
the applicants.
Mr.Ambarish Joshi, A.P.P. for the Respondent No.1.

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

DATE : 5.9.2017.

Heard.

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 bearing No.101 of 2017 and Regular Criminal Case No.202 of 2017 pending in the Court of the Judicial Magistrate, First Class at Saoner.

The husband of the applicant no.1 and the husband of the non-applicant no.2 are the real brothers. The applicant no.2 is closely related to all the applicants as the applicant nos. 2 and 3 are the daughters of the applicant no.1. The non-applicant no.2 had lodged the report against the applicants for the offences punishable under Sections 325, 504 and 506 of the Penal Code alleging therein that the applicants had pushed her, as a result of

which she had sustained some injuries. Since the parties are very closely related to each other, with a view to ensure peace and harmony in future, they have amicably settled the matter, as a result of which, the non-applicant no.2 does not wish to proceed against the applicants in the trial that is pending against them. Since the applicants and the non-applicant no.2 are residing in the same house that is partitioned by metes and bounds, with a view to maintain cordial relationship, the non-applicant no.2 does not wish to take any further action against the applicants. The applicants have, therefore, sought for the quashing and setting aside of the F.I.R. and the trial pending against them as the matter is compromised between them and the non-applicant no.2.

All the applicants and the non-applicant no.2 are present in the Court today. They state that they are closely related to each other and they wish to reside in the same house in peace, in future. The non-applicant no.2 has clearly stated that she does not wish to proceed against the applicants in view of the compromise between the parties. It is stated that if the F.I.R. is not quashed and set aside, there would be some animosity between the relatives.

After hearing the applicants and the non-applicant no.2, it appears that with a view to secure the ends of justice, it would be necessary to quash and set aside the F.I.R. registered against the applicants for the offences punishable under Sections 325, 504 and 506 of the Penal Code. The applicant no.1 and the non-applicant no.2 are the wives of the real brothers who are residing with their families in separate portion of the same house. If the F.I.R.

is not quashed, as rightly submitted on behalf of the applicants and the non-applicant no.2, the relationship would not improve.

Since the matter is compromised between the applicants and the non-applicant no.2, 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, it would be necessary to quash and set aside the F.I.R. registered against the applicants. Since the non-applicant no.2 is not ready to prosecute the applicants, it is unlikely that the prosecution would result in the conviction of the applicants.

Hence, for the reasons aforesaid, the Criminal Application is allowed. The F.I.R. registered against the applicants under Sections 325, 504, 506 r/w. 34 of the Penal Code as also Regular Criminal Case No.202 of 2017 are hereby quashed and set aside. Order accordingly.

JUDGE

JUDGE

**jaiswal*