

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

CRIMINAL APPLICATION (APL) NO. 34/2018

(MEHMOOD ALI KHAN @ BHURE KHAN & ANOTHER VERSUS THE STATE OF MAHARASHTRA,
 THR. PS WADGAON ROAD, YAVATMAL)

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

Court's or Judge's orders

Shri M.N. Ali, counsel for the applicants.
 Mrs. Shamsi Haidar, A.P.P. for the non-applicant.

**CORAM : SMT. VASANTI A NAIK AND
A.D. UPADHYE, JJ.**

DATE : JANUARY 16, 2018.

By this criminal application, the applicants seek the quashing and setting aside of the first information report bearing Crime No.1358 of 2017 registered against the applicant no.1 for the offences punishable under Sections 354, 354A, 452, 324 of the Penal Code read with Section 3 of the Scheduled Castes Scheduled Tribe (Prevention of Atrocities) Act.

The applicant no.1 is a friend of the applicant no.2 and the applicant nos.1 and 2 were acquainted with each other and were sharing a cordial relationship. The applicants are the residents of Darwha and it is stated on behalf of the applicants that in view of the misunderstanding between the applicants, the applicant no.2 had lodged a report against the applicant no.1 in the police station that she belongs to Scheduled Castes and when her husband had gone to Nagpur for company work, he had made some advances towards her and when she had resisted, he had beaten her. It is stated in the criminal application that the applicant no.1 is a friend of the applicant no.2's husband and with a view to settle the dispute between them, that has resulted in lodging of the complaint by the applicant no.2, the applicants have decided that

the first information report registered against the applicant no.1 should be quashed and set aside. It is stated that the applicants have decided to settle their disputes and to reside peacefully. In the circumstances of the case, the applicants have sought the quashing of the first information report registered against the applicant no.1.

The applicant nos.1 and 2 are personally present in the Court today. The learned counsel for the applicants has identified the applicant no.1 and the applicant no.2. It is stated by the applicant no.2 that the complaint was lodged by her due to the misunderstanding between the applicants in view of the behaviour of the applicant no.1 on 11.12.2017 but she does not wish to proceed against the applicant no.1 as he is the friend of her husband and the complaint was made by her against the applicant no.1 without considering the friendly relationship between her husband and the applicant no.1. It is stated that since the disputes between the parties are settled with a view they could reside peacefully as they are the residents of the same place, the first information report registered against the applicant no.1 should be quashed and set aside.

On hearing the applicants and on a perusal of the criminal application as also the complaint lodged by the applicant no.2 against the applicant no.1, it appears that in the interest of justice, the first information report registered against the applicant no.1 needs to be quashed and set aside. The learned counsel for the applicants has relied on the judgment reported in **2015 All M R (Cri) 1778** (*Ashraf Mohammad Calcattawala & Others Versus The State of Maharashtra & Another*) for quashing and setting aside the first information report registered against the applicant no.1 for the offences punishable under Section 3 of the Scheduled Castes Scheduled Tribe (Prevention of Atrocities) Act. Since the applicants

are the residents of the same place and since the applicants wish to bury their disputes, it would be necessary to quash and set aside the first information report registered against the applicant no.1 by relying on the judgment in the case of *Narinder Singh Versus State of Punjab & Another*, reported in **(2014) 6 SCC 466**. It would be necessary to quash and set aside the first information report registered against the applicant no.1 as the applicant no.2 is not ready to proceed against the applicant no.1 in the complaint filed by her. If the applicant no.2 is not ready to proceed against the applicant no.1, it is most unlikely that the prosecution would result in the conviction of the applicant no.1. Hence, with a view to secure the ends of justice, the first information report registered against the applicant no.1 is liable to be quashed and set aside subject to the condition that the applicant no.1 pays a sum of Rupees Fifteen Thousand to the High Court Legal Services Sub Committee, Nagpur within two weeks.

Hence, for the reasons aforesaid, the criminal application is allowed. The first information report registered against the applicant no.1 is hereby quashed and set aside subject to the condition that the applicant no.1 pays a sum of Rupees Fifteen Thousand to the High Court Legal Services Sub Committee, Nagpur within two weeks.

Order accordingly.

JUDGE

JUDGE