

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

CRIMINAL APPLICATION (APL) NO. 74/2018

(RANJIT GOVINDRAO KAMBLE & ANR VERSUS STATE OF MAHA., THR. PSO PS KORADI, NAGPUR)

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

Court's or Judge's orders

Shri H.M. Bobde, counsel for the applicant.
 Shri B.M. Lonare, A.P.P. for the non-applicant.

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : MARCH 27, 2018.

By this criminal application, the applicants seek the quashing and setting aside of the first information report registered against the applicant no.1 for the offence punishable under Section 354 of the Penal Code and the proceedings arising therefrom.

The applicant no.1 is the husband of the sister of the applicant no.2. A complaint was lodged by the applicant no.2 against the applicant no.1 that while she was sleeping with the daughter of the applicant no.1 in the house of her mother on 16.08.2016, she woke to see that the applicant no.1 was not fully dressed and he was standing near her and staring her. It is alleged in the complaint filed by the applicant no.2 that the applicant no.1 had left the room after she had raised a cry and hence action should be taken against the applicant no.1. On the basis of the complaint lodged by the applicant no.2, the first information report was registered by the non-applicant against the applicant no.1, the charge-sheet is filed and the proceedings, viz. R.C.C. No.4625 of 2016 are pending against the applicant no.1. The applicants have jointly sought for the quashing and setting aside of the proceedings pending against the applicant no.1.

The applicant no.1 and the applicant no.2 are personally present in the Court today. It is stated by the applicant no.2 that the applicant no.1 is the husband of her real sister and due to some misunderstanding, she had lodged the complaint against the applicant no.1. It is stated that since the applicant no.1 is the husband of her real sister, it would be necessary to quash and set aside the first information report registered against the applicant no.1 as the relationship between the applicant no.2 and her sister has become strained in view of the pendency of the proceedings.

On a reading of the criminal application and after hearing the statements made by the applicant no.2 for some time, it appears that the first information report registered against the applicant no.1 needs to be quashed and set aside. The applicant no.1 and the applicant no.2 are closely related to each other. The applicant no.1 is the husband of the real sister of the applicant no.2. There would be disharmony in the entire family if the proceedings pending against the applicant no.1 are not quashed and set aside. In the circumstances of the case, with a view to secure the ends of justice, it would be necessary to quash and set aside the proceedings pending against the applicant no.1. Since the applicant no.2 is not ready to pursue the matter on the basis of the complaint lodged by her, it is unlikely that the prosecution would result in the conviction of the applicant no.1. Hence, by relying on the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh & Others Versus State of Punjab & Another*, reported in **(2014) 6 SCC 466**, the first information report registered against the applicant no.1 and the proceedings arising therefrom are liable to be quashed and set aside.

Hence, for the reasons aforesaid, the criminal application is allowed. The criminal proceedings bearing R.C.C. No.4625 of 2016 pending against the applicant no.1 on the basis of the charge-sheet filed against him are hereby quashed and set aside on the condition that the applicant no.1 deposits an amount of Rupees Five Thousand with the High Court Legal Services Sub Committee, Nagpur within one week.

Order accordingly.

JUDGE

JUDGE

APTE