

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

CRIMINAL APPLICATION (APL) NO. 195/2018

(ANTARIKSHA ARUN DURATKAR **VERSUS** STATE OF MAHARASHTRA, THR. PSO PS WANI,
YAVATMAL & ANOTHER)

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

Court's or Judge's orders

Shri A.H. Jamal, counsel for the applicant.
Shri I.J. Damle, A.P.P. for the NA-1.
Shri H.N. Bongade, counsel for the NA-2.

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

DATE : MARCH 06, 2018.

By this criminal application, the applicant seeks for the quashing and setting aside of the first information report registered against the applicant for the offences punishable under Sections 498-A, 323, 504 and 506 of the Penal Code.

The applicant was married to the non-applicant no.2 according to Hindu rites and custom at Nagpur on 24.06.2016. There were several disputes between the parties and due to the differences between them, the applicant and the non-applicant no.2 separated within six months from the marriage, on 19.10.2016. The non-applicant no.2 had filed proceedings before the Family Court at Nagpur for a decree of divorce. During the pendency of the proceedings before the Family Court, the applicant and the non-applicant no.2 have amicably settled the matter and had filed a petition under Section 13-B of the Hindu Marriage Act for a decree of divorce by consent. The joint petition filed by the applicant and the non-applicant no.2 for a decree of divorce by consent is allowed by the Family Court on 05.03.2018. Since the applicant and the non-applicant no.2 wish to lead their lives peacefully and happily in future, they have decided that the proceedings filed against the

applicant in view of the complaint lodged by the non-applicant no.2 should be quashed and set aside. It is stated that in the petition filed by the applicant and the non-applicant no.2 under Section 13-B of the Hindu Marriage Act, they have agreed to withdraw the proceedings filed by them against each other.

The applicant and the non-applicant no.2 are personally present in the Court, today. It is stated by the non-applicant no.2 that she is not interested in pursuing the matter arising from the complaint lodged by her in the police station for the offence punishable under Section 498-A of the Penal Code against the applicant. It is stated that since she could not reside together in the matrimonial home with the applicant and since there were disputes and differences between them, she had approached the police station to lodge a complaint against the applicant. The non-applicant no.2 has requested that the first information report and the proceedings arising therefrom should be quashed and set aside.

In the circumstances of the case, it would be necessary to quash and set aside the first information report, the charge-sheet and the proceedings arising therefrom, by exercising the jurisdiction under Section 482 of the Code of Criminal Procedure. It appears that since there were differences between the applicant and the non-applicant no.2 and they had started residing separately, the non-applicant no.2 had lodged the report against the applicant. Since the disputes between the applicant and the non-applicant no.2 are settled, it would be necessary to quash and set aside the first information report registered against the applicant. By following 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** with a view to secure the ends of justice and to prevent the abuse of the process of the Court, the first information report

registered against the applicant is liable to be quashed and set aside. Since the non-applicant no.2 is not ready to pursue the matter against the applicant, it is unlikely that the prosecution would result in the conviction of the applicant.

Hence, for the reasons aforesaid, the criminal application is allowed. The first information report, the charge-sheet and the criminal trial bearing No.17 of 2017 are hereby quashed and set aside.

Order accordingly.

JUDGE

JUDGE

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