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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APL) NO. 218/2018

(1.Smt. Neha w/o Sachin Bhende and others **VS.** The State of Maharashtra)

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

Court's or Judge's order

Mr. M.S.Gupta, Advocate for the applicant
 Mr. V.P. Maldhure, Additional Public Prosecutor for respondent-State

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

DATED : 26th April, 2018.

Heard.

By this Criminal Application, the applicants seek the quashing and setting aside of the first information report registered against the applicants 2 to 6 for the offences punishable under Sections 498A, 506, 406, 323 and 504 of the Penal Code.

The applicant no.1-Neha and the applicant no.2-Sachin were married according to the customs prevailing in their community on 28.11.2010. A son was born from the wedlock. The applicants 3 to 6 are the in-laws of the applicant no.1. The applicant nos.1 to 5 were residing in the matrimonial home under one roof. After June 2017 several disputes and differences had cropped up between the applicants on one hand and the other applicants on the other and, therefore, the applicant no.1 left the matrimonial home on 26.6.2017 and lodged a complaint against the other applicants after residing with her parents. It is stated that certain proceedings were also instituted by the parties

before the Family Court at Nagpur. It appears that however with the intervention of the counsellor, the dispute between the applicant no.1 and the other applicants was settled and the applicant no.1 decided to join the company of the applicant nos.2 to 5. It is stated that the applicant nos.1 and 2 have started residing together for a couple of months and they are living happily. It is stated that in the aforesaid set of facts, the first information report registered against the applicant nos.2 to 6 needs to be quashed and set aside.

The applicant nos.1 and 2 are personally present in the Court today. The applicant no.1 has stated that she had filed the complaint against the applicant nos.2 to 6 as she had left the matrimonial home, in view of the differences and disputes between her and the other applicants. It is stated that she has started residing in the matrimonial home at Mathura (Uttar Pradesh) along with the applicant no.2 and both the applicant nos.1 and 2 are residing happily without any quarrel. It is stated that in the aforesaid set of facts, the first information report registered against the applicant nos.2 to 6 should be quashed and set aside.

Since the applicant nos.1 and 2 are residing together and they have settled their disputes and differences it would be an abuse of the process of the court to continue the proceedings initiated against the applicant nos.2 to 6, in view of the complaint lodged by the applicant no.1 against them. In the interest of all the applicants,

especially the future of the applicant nos.1 and 2 and their son, it would be necessary to quash and set aside the first information report registered against the applicant nos.2 to 6, with a view to secure the ends of justice. Hence, by relying on the law laid down by the Hon'ble supreme Court, in the case of Narinder Singh vs. State of Punjab, reported in (2014) 6 SCC 466, the first information report registered against the applicant nos.2 to 6 is liable to be quashed and set aside., especially when the complaint was lodged by the wife after she had happily resided with the applicant nos.2 to 5 for almost five years after her marriage.

Hence, for the reasons aforesaid, the Criminal Application is allowed. The first information report registered against the applicant nos.2 to 6 and the proceedings arising therefrom are hereby quashed and set aside. Order accordingly.

JUDGE

JUDGE