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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APL) NO.226/2018

(Sameer Sattar s/o Sheikh Sattar and others vs. The State of Maharashtra and another)

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

Court's or Judge's order

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 Mr.D.M.Upadhye, Advocate for the applicants
 Mr. A.M.Joshi, Additional Public Prosecutor for respondent no.1

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.
 DATED : 24th April, 2018.

Heard.

By this Criminal Application, the applicants seek the quashing and setting aside of the first information report registered against them for the offences punishable under Sections 354, 323, 504 and 506 of the Penal Code and the proceedings arising therefrom.

The applicants reside in Amravati. A complaint was lodged by the non-applicant no.2 that while she was crossing the Market near Ravinagar, she had a quarrel and altercation with three unknown persons. It is stated that some persons informed the husband of the non-applicant no.2 that the applicants had quarreled with the non-applicant no.2 and had also abused her. It is alleged in the complaint that one of the applicants told the non-applicant no.2, who is a married lady, that he was waiting for her. It

is further alleged that the other applicants caught hold of the hand of the non-applicant no.2 and they assaulted the non-applicant no.2. It is alleged in the complaint that after the non-applicant no.2 called her husband, her husband came to the spot, however, the applicants abused her husband also. On the basis of the said report, the first information report was registered against the applicants for the offences punishable under sections 354, 323, 504 and 506 of the Penal Code.

It is stated on behalf of the applicants that the complaint was lodged by the non-applicant no.2 due to misunderstanding. It is submitted that the complaint was lodged by the non-applicant no.2 only on the basis of suspicion and misunderstanding and the complaint is an exaggerated version of the happening on 30.4.2016, while the non-applicant no.2 was near Ravinagar square. It is submitted that the applicants and the non-applicant no.2 and her husband have settled the dispute and the non-applicant no.2 does not wish to pursue the matter against the applicants on the basis of the complaint lodged by her.

The non-applicant no.2 is personally present in the court today. The non-applicant no.2 states that the complaint was lodged by her due to misunderstanding as she was of the view that the applicants wished to outrage her modesty. It is submitted that since there was some altercation between the applicants and the non-applicant no.2, the complaint was lodged. It is stated that since the applicants and the non-applicant no.2 reside in the nearby

locality, the non-applicant no.2 wishes that the first information report registered against the applicants should be quashed and set aside as the parties have settled their dispute amicably.

We have perused the allegations in the first information report. *Prima facie*, we find that the offence punishable under section 354 of the Penal Code cannot be made out on the allegations in the first information report, even if they are accepted at their face value. The other offences that are registered against the applicants are not very grave and serious and the parties have settled their dispute amicably. Since the non-applicant no.2 is not desirous of pursuing the matter against the applicants, it is unlikely that the prosecution would result in the conviction of the applicants. Hence, with a view to prevent the abuse of the process of the court and to secure the ends of justice, it would be necessary to quash and set aside the first information report registered against the applicants so that the applicants as well as the non-applicant no.2 would be able to live peacefully. 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, it would be necessary to quash and set aside the first information report registered against the applicants.

Hence, for the reasons aforesaid, the Criminal Application is allowed. The first information report registered against the applicants for the offences punishable under Sections 354, 323, 504 and 506 of the Penal Code

and the proceedings arising therefrom, are hereby quashed and set aside, on the condition that the applicants deposit a sum of Rs. 5,000/- (rupee five thousand) with the High Court Legal Services Sub-Committee, Nagpur within one week. Order accordingly.

JUDGE

JUDGE

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