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IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR  
CRIMINAL APPLICATION (APL) NO.293/2018

(Sangita w/o Pankaj Tambe 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

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 Mr.S.G.karmarkar, Advocate for the applicants  
 Ms. Shamshi Haider, Additional Public Prosecutor for respondent-State

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

Heard.

By this Criminal Application, the applicants are seeking for the quashing and setting aside of the first information report registered against them for the offences punishable under Sections 498A, 323, 504 and 506 of the Penal Code.

The applicant no.1-Sangita was married to applicant no.2 Pankaj on 15.4.2016. The applicants started residing in the matrimonial home. There were serious disputes between the applicant nos.1 and 2 and the other applicants within a few days from the marriage. On 19.12.2016 the applicant-Sangita lodged a report in the Police Station alleging therein that she was treated with cruelty by the applicant no.2-her husband and the other applicants viz, her mother-in-law and her sister-in-law. It is alleged in the complaint that the other applicants used to criticize the

applicant no.1 for bringing inadequate presents at the time of marriage. On the basis of the said complaint, the first information report was registered against the applicants for the aforesaid offences. The parties have settled the dispute amicably with the help of the counsellor in December, 2017 and have decided to part ways. The applicant nos.1 and 2 have filed the petition under section 13-B of the Hindu Marriage Act for a decree of divorce by consent. The terms of the settlement are annexed to this Criminal Application.

The applicant nos.1 and 2 are personally present in the court today. The applicant no.1-Sangita states that she does not wish to pursue the matter against the other applicants. She has stated that since there was a serious dispute between her and her husband and in-laws, she had filed the complaint against them some time in December, 2015. The applicant no.1-Sangita has requested that the first information report registered against the other applicants should be quashed and set aside so that a decree of divorce could be passed by consent under Section 13B of the Hindu Marriage Act.

We have perused the allegations in the first information report. The allegations are not very serious. In fact, it is possible that the offence punishable under Section 498A cannot be made out on the basis of the allegation made by the applicant no.1 in the complaint lodged by her against the other applicants. The applicant no.1 has only stated in the complaint that her in-laws used to criticize

her for not bringing adequate presents at the time of marriage. This may not amount to “cruelty” as defined under section 498A of the Penal Code. In any case, since the parties have settled the matter and they wish to part ways and live peacefully in future, it would be necessary to quash and set aside the first information report registered against the applicant nos.2 to 5 as it is unlikely that the prosecution would result in the conviction of the said applicants. 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 exercise the jurisdiction under Section 482 of the Code of Criminal Procedure, for quashing and setting aside the first information report, 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.

Hence for the reasons aforesaid, the Criminal Application is allowed. The first information report registered against the applicant nos.2 to 5 and the proceedings arising therefrom are hereby quashed and set aside. Order accordingly.

**JUDGE**

**JUDGE**