

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

**CRIMINAL APPLICATION (APL) NO. 297/2018**

(GAJANAN LAXMANRAO GADEWAR & OTHERS VERSUS STATE OF MAHARASHTRA, THR. PSO PS  
MAHAGAON, YAVATMAL)

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

Shri A.M. Kukday, counsel for the applicants.  
Shri B.M. Lonare, A.P.P. for the non-applicant.

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

**DATE : APRIL 19, 2018.**

By this criminal application, the applicants seek the quashing and setting aside of the first information report registered against the applicant nos.2 to 10 for the offences punishable under Sections 143, 342, 394, 323, 506, 365-A and 365 of the Penal Code.

It is stated on behalf of the applicants that the applicant no.1 had lodged the report against his wife and her relatives due to misunderstanding and due to the ongoing disputes between the applicant no.1 on one hand and the applicant nos.2 to 10 on the other. The applicant no.1 is the husband of Shubhangi, who is the daughter of the applicant no.2. The applicant nos.3 to 10 are the relatives of applicant no.2-Santosh. After the marriage, there were some disputes between the applicant no.1 and Shubhangi and there were some altercations between the applicant no.1 and the applicant nos.2 to 10. It is stated in the report lodged by the applicant no.1 against the applicant nos.2 to 10 that the applicant nos.2 to 10 came to the house of the applicant no.1, took him along with them and assaulted him. Some other allegations are also levelled against the applicant nos.2 to 10 by the applicant no.1. On the basis of the said complaint, the first information report was

registered against the applicant nos.2 to 10 for the offences punishable under Sections 143, 342, 394, 323, 506, 365-A and 365 of the Penal Code.

It is stated on behalf of the applicants that the applicant no.1 and Shubhangi have filed a joint petition for a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. It is stated that as per one of the consent terms, Shubhangi and the applicant no.1 have agreed to withdraw the proceedings filed by them against each other. It is stated that the applicant no.1 has also agreed to ensure that the first information report registered against the applicant nos.2 to 10 is quashed and set aside. It is stated that since the applicant no.1 and Shubhangi wish to tread on separate paths and live peacefully in future, the first information report registered against the applicant nos.2 to 10 is liable to be quashed and set aside.

The applicants are personally present in the Court today. Shubhangi is also personally present in the Court today. The applicant no.1 has states that the applicant no.1 does not wish to pursue the matter against the applicant nos.2 to 10 on the basis of the complaint lodged by him. It is stated that with a view to ensure that there are no hassles in ensuring that a divorce decree is passed by consent, this Court may quash and set aside the first information report registered against the applicant nos.2 to 10. In the circumstances of the case, it would be necessary to quash and set aside the first information report registered against the applicant nos.2 to 10 as the applicant no.1 does not wish to prosecute the matter against them. The applicant nos.2 to 10 are the near relatives of Shubhangi to whom the applicant no.1 was married. The applicant no.1 and Shubhangi have agreed that their marriage should be dissolved by a decree of divorce by mutual

consent. Since the applicant no.1 is not willing to prosecute the matter against the applicant nos.2 to 10, it is unlikely that the prosecution would result in the conviction of the applicant nos.2 to 10. Hence, by following the law laid down in the case of *Narinder Singh & Others Versus State of Punjab & Another*, reported in (2014) 6 SCC 466, 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 applicant nos.2 to 10.

Hence, for the reasons aforesaid, the criminal application is allowed. The first information report registered against the applicant nos.2 to 10 for the offences punishable under Sections 143, 342, 394, 323, 506, 365-A and 365 of the Penal Code and the proceedings arising therefrom are hereby quashed and set aside.

Order accordingly.

**JUDGE**

**JUDGE**

APTE