

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APL] NO.323 OF 2018

[Smt. Vineeta w/o Vinod Thakur and one .vs. State of Maharashtra]

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

Court's or Judge's orders

Shri Shivkumar Dwivedi, counsel for the applicants,
Shri V.P. Maldhure, APP for non-applicant-State.

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

DATED : APRIL 10, 2018.

Heard.

By this criminal application, the applicants seek for the quashing and setting aside of the first information report registered against the applicant no.2 by the non-applicant for the offences punishable under sections 324 and 323 of the Penal Code. The applicant no.1 has sought for the quashing and setting aside of the proceedings arising from Crime No.72/2018.

Both the applicants are present in the court today. They are housewives and they reside in the same locality i.e. Surendra Gadh, Gittikhadan, Nagpur. It is stated by the applicant no.1, who is present in the court today, that a complaint was lodged by her as there was some quarrel and dispute between the applicants. It is stated that the complaint was lodged by her against the applicant no.2 due to some misunderstanding and the allegations made by her against the applicant no.2 are not grave and serious. It is stated that the applicants have settled the matter and they wish to reside peacefully in the same locality in future. The applicant no.1 has requested that this court may quash and set aside the first information report registered against the applicant no.2 on the basis of the complaint. It is stated by the applicant no.1 that she does not wish to pursue the matter

arising out of the complaint lodged by her against the applicant no.2.

On talking with both the applicants for sometime and on a reading of the allegations in the first information report, it appears that when the applicants were moving in their locality there was some quarrel between them and the applicant no.1 had questioned the applicant no.2 as to why she was instigating her husband. It appears from the first information report that the allegations made by the applicant no.1 against the applicant no.2 are not grave and serious and they also do not *prima facie* make out an offence under sections 324 and 323 of the Penal Code. Since the applicant no.1 is not desirous of pursuing the matter against the applicant no.2 on the basis of the complaint lodged by her, it would be necessary to quash and set aside the first information report with a view to prevent the abuse of the process of the court and 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 and others**, reported in **(2014) 6 SCC 466**, the first information report registered against the applicant no.2 is liable to be quashed and set aside.

Hence, for the reasons aforesaid, the criminal application is allowed. The first information report registered against the applicant no.2 for the offences punishable under sections 324 and 323 of the Indian Penal Code and the proceedings arising therefrom are hereby quashed and set aside. Order accordingly.

JUDGE

JUDGE