

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

CRIMINAL APPLICATION [APL] NO.392 OF 2018

[Nitin s/o Harish Mirchandani .vs. The State of Maharashtra and one ]

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

Court's or Judge's orders

Shri R.M. Daga, Counsel for the Applicant,  
Shri V.P. Maldhure, APP for Non-Applicant No.1-State.

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

DATED : APRIL 20, 2018.

Heard.

By this criminal application the applicant seeks the quashing and setting aside of the first information report registered against him for the offences punishable under sections 394, 354-B, 354-D, 323 and 294 of the Penal Code and the proceedings in RCC No.208/2016 pending on the file of 6th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Nagpur.

A complaint was lodged by the non-applicant no.2 against the applicant on 21.4.2015 stating therein that the applicant had outraged the modesty of the non-applicant no.2 by snatching her mobile phone and also by abusing her on her refusal to marry him. It is also alleged in the complaint that the applicant had assaulted the non-applicant no.2 as she had refused to be friendly with him and marry him. On the basis of the said complaint, the first information report was registered against the applicant. It is stated that the non-applicant no.2 wishes to stay in Dubai as she has secured a job there. It is stated in the application that the applicant and the non-applicant no.2 have resolved their disputes and have decided to forget the incident and to forgive each other. It is stated that they have decided to live peacefully

in future. It is stated that since the non-applicant no.2 would be residing in Dubai and she has settled the matter with the applicant, she is not desirous of pursuing the matter against the applicant in view of the complaint lodged by her against him. In the circumstances of the case, the applicant and the non-applicant no.2 have sought for the quashing and setting aside of the first information report.

The applicant and the non-applicant no.2 are personally present in the court today. The non-applicant no.2 is represented by her lawyer who has identified the non-applicant no.2. It is stated by the non-applicant no.2 that she has settled the dispute with the applicant and she does not wish to prosecute the matter against him as the entire episode had occurred due to the misunderstanding between the applicant and the non-applicant no.2. The non-applicant no.2 states that if the first information report registered against the applicant is not quashed and set aside, the relationship between her and the applicant would continue to remain sour.

In the circumstances of the case and in the interest of justice, it would be necessary to quash the first information report registered against the applicant. On a reading of the complaint, we find that the applicant must have been interested in non-applicant no.2 and when she was not ready to be friendly with him and had not accepted his request for marriage, he had committed a few acts which could not be tolerated by the non-applicant no.2. It however appears that the applicant and the non-applicant no.2 have cleared their differences and the non-applicant no.2 wishes to reside peacefully in Dubai. Hence, with a view to prevent the abuse of the process of the court to secure the ends of justice, by following the law laid down by the Supreme Court in the case of **Narinder Singh .vs. State of Punjab and others**, reported in (2014) 6 SCC 466, it would be necessary to quash and set aside the first information report

registered against the applicant.

Hence, for the reasons aforesaid, the criminal application is allowed. The first information report registered against the applicant for the offences punishable under sections 394, 354-B, 354-D, 323 and 294 of the Penal Code and the proceedings arising therefrom are hereby quashed and set aside. Order accordingly.

JUDGE

JUDGE

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