

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

CRIMINAL APPLICATION (APL) NO.509 OF 2018

1. Komal w/o Mahesh Kalse,
Aged about : 20 years,
Occu : Housewife,
R/o Bastarwari Chowk,
Near Shitala Mata Mandir,
Prem Nagar Road, Itwari,
Nagpur.
2. Mahesh S/o Umraoji Kalse,
Aged about : 27 years,
Occu : Business, R/o HIG
Colony, 10/14 Near KDK
College, Nagpur.
3. Umraoji S/o Eknath Kalse,
Aged about : 64 years,
Occu : Business, R/o HIG
Colony, 10/14 Near KDK
College, Nagpur.
4. Gita W/o Umraoji Kalse,
Aged about : 57 years,
Occu : Housewife, R/o HIG
Colony, 10/14 Near KDK
College, Nagpur.
5. Ashish S/o Umraoji Kalse,
Aged about : 30 years,
Occu : Business, R/o HIG
Colony, 10/14 Near KDK
College, Nagpur.

... APPLICANTS

V E R S U S

State of Maharashtra,
Through Police Station Officer,
Police Station, Nandanvan,
Distt. Nagpur.

... RESPONDENT

Shri Tejas Deshpande, Advocate for applicants.
Ms. T. H. Khan, Additional Public Prosecutor for respondent-State.

CORAM:- R. K. DESHPANDE &
ARUN D. UPADHYE, JJ.
DATED : 03/07/2018.

JUDGMENT : (PER ARUN D. UPADHYE, J.)

1. Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.
2. This is an application filed under Section 482 of Code of Criminal Procedure. The applicant Nos.1 to 5 have prayed for quashing of FIR No.0009/2018 for the offence punishable under Sections 498-A, 506 r/w Section 34 of IPC and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 registered at Police Station, Nandanvan as well as Final Report bearing No.931/2018 dated 02/04/2018 for the aforesaid offences.
3. The applicant No.1 is wife of applicant No.2 and applicant Nos.3 to 5 are relatives of her husband. The applicant No.1 has lodged report in the Police Station, Nandanvan against the applicant Nos.2 to 5 and offence vide Crime No.0009/2018 under Sections 498-A of I.P.C. and under Sections 3 and 4 of the

Dowry Prohibition Act, 1961 was registered. The applicants have contended that the marriage of the applicant Nos.1 and 2 was solemnized on 03/02/2017, as per the Hindu Rites and Customs at Nagpur. The applicant No.1, however, lodged the report against the applicant Nos.2 to 5 in the Police Station. Now, the matter is settled amicably and prayed for quashing of F.I.R. as well as Final Report.

4. We have heard Shri Tejas Deshpande, learned counsel for the applicants and Ms. T. H. Khan, learned A.P.P. for the respondent-State.

5. The learned counsel for the applicants has submitted that the matter is settled amicably. The applicant No.1 is now residing with her husband and she has no grievance against the applicant Nos.2 to 5. The application, therefore, be allowed and F.I.R. as well as Final Report filed by the police be quashed and set aside. The learned A.P.P., however, objected for the same.

6. We have perused the application as well as the documents on record. It appears that the applicant No.1 is wife of applicant No.2 and their marriage was solemnized on 03/02/2017 at Nagpur. Today, the applicants were present in the Court. The applicant No.1 – Komal Kalse stated that the matter is

compromised between them and she is residing with applicant No.2 and therefore, she has no objection for quashing of F.I.R. filed against applicant Nos.2 to 5.

7. Considering the settlement between the parties, we are of the considered view that the continuation of the proceeding against the applicant Nos.2 to 5 is an abuse of process of Court. The parties have settled the matter amicably. The applicant No.1 is residing with applicant No.2 happily. In the interest of justice, F.I.R. and Final Report could be quashed. The Hon'ble Apex Court in case, reported in (2014) 6 SCC 466 (Narinder Singh and others Vrs. State of Punjab and another) has given detail guidelines for quashing of F.I.R. and the charge sheet. The offence charged against the accused is punishable under Section 498-A, 506 r/w Section 34 of I.P.C. and under Sections 3, 4 of Dowry Prohibition Act. There is no possibility of conviction in this matter. The continuation of criminal case would put the accused to great prejudice and injustice would cause to them, if proceedings are not quashed. The application filed by the applicants, deserves to be allowed. Hence, we pass the following order.

ORDER

I. The application filed under Section 482 of Code of Criminal Procedure is allowed.

II. The F.I.R. No.0009/2018 for the offence punishable under Section 498-A as well as Final Report bearing No.931/2018 for the offence punishable under Sections 498-A, 506 r/w Section 34 of I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961 is hereby quashed and set aside.

(Arun D. Upadhye, J.)

(R.K. Deshpande, J.)