

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

CRIMINAL APPLICATION [APL] NO.498 OF 2016

[Nagesh s/o Purushottam Kadu and others .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 S.G. Joshi, counsel for the applicants,
 Shri I.J. Damle, APP for non-applicant no.1-State,
 Shri A.S. Band, counsel for non-applicant no.2.

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

DATED : APRIL 24, 2018.

Heard.

By this criminal application the applicants have sought the quashing and the setting aside of the first information report lodged against the applicants for the offences punishable under sections 498-A, 323 r/w 34 of the Penal Code and Section 4 of the Dowry Prohibition Act as also the proceedings arising therefrom.

On one of the previous dates of hearing, we had noticed that the parties had separated due to the disputes and differences between them and the lodging of the complaint by the non-applicant no.2 was a fall out of the said dispute. We had therefore asked the parties whether the matter could be amicably settled through the intervention of the mediator. The learned counsel for the parties have stated that the possibility of the settlement could be explored. We had appointed a mediator whose name appears in the list of mediators to consider whether a settlement was possible and the applicants and the non-applicant no.2 have compromised the matter with the able assistance of the mediator. The compromise terms are signed in the presence of the mediator by the applicants, the non-applicant no.2 and their respective counsel. The learned mediator has also

signed on the terms of settlement. A sum of Rs.3,50,000/- is deposited in this court in view of the said settlement. The learned counsel for the parties state that in view of the said settlement, the parties are desirous of seeking a decree of divorce by consent under section 13-B of the Hindu Marriage Act and a petition would be filed in that regard before the family court. It is stated that one of the terms of the settlement is that the non-applicant no.2 would ensure that the first information report registered against the applicants on the basis of the complaint should be quashed and set aside.

The non-applicant no.2 is present in the court today to inform this court that she does not wish to pursue the matter against the applicants on the basis of the complaint lodged by her. The non-applicant no.2 has informed that the disputes between her and the applicants are settled and the terms of settlement are recorded before the mediator and she is ready to abide by the terms and conditions. The applicant no.1 has also stated that he would abide by the terms mentioned in the settlement that is prepared before the learned mediator.

We have perused the complaint lodged by the non-applicant no.2. We do not find that the allegations in the said complaint are extremely serious. It appears that the complaint is a fall out of the disputes and bickerings between the applicants on one hand and the non-applicant no.2 on the other. Since the applicants and the non-applicant no.2 have settled their dispute amicably, with a view to secure the ends of justice, it would be necessary to quash and set aside the first information report registered against the applicants for the offences punishable under sections 498-A and 323 of the Penal Code and Section 4 of the Dowry Prohibition Act, 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.

Hence, for the reasons aforesaid, criminal application is allowed. The first information report registered against the applicants for the offences punishable under sections 498-A, 323 and 34 of the Penal Code and Section 4 of the Dowry Prohibition Act is hereby quashed and set aside, subject to payment of Rs.5,000/- by the applicants to the learned mediator, as a token of appreciation, within one week, as he has taken great pains and efforts in the matter to ensure that a settlement is possible. Order accordingly.

JUDGE

JUDGE

Gulande