

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

Criminal Application (APL) No. 565 of 2019.

(Salma Khan Rauf Khan, Nagpur & Anr. Vs. State of Maharashtra, thr. PSO Nandanvan, Nagpur) With

Criminal Application (APL) No. 598 of 2019.

(Salma Khan Rauf Khan, Nagpur & Ors. Vs. State of Maharashtra, thr. PSO Nandanvan, Nagpur)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.K.Tiwari, Advocate for applicants.
Mr. M.K.Pathan, APP for State.

CORAM : P.N.DESHMUKH &
MRS. PUSHPA V. GANEDIWALA, JJ.

DATE : 18.06.2019.

Heard the learned counsel for the applicants as well as complainant and the learned APP for respondent/State.

Both these applications are considered together, as they are arising out of same crime i.e. Crime No. 454/2019 dated 05/06/2019, registered at Police Station, Nandanvan, Nagpur City, for the offence punishable under Sections 452, 392, 294, 506 and 427 read with Section 34 of the Indian Penal Code.

The applications are jointly filed for quashing of F.I.R. No. 454/2019. The complainant as well as accused in both the applications are present. The complainant on a specific query being put to her agreed that she has no objection for quashing of F.I.R., as according to her, name of applicant no.2 in Criminal Application No. 565/2019 is wrongly mentioned by her in the report, as the said accused was not present on the spot at the time of incident, and as such, she do not want to proceed with the report.

While according to complainant, the applicant nos. 2 and 3, who are the original accused nos. 1 and 2, came to be stated by misunderstanding. There were cordial relations between her and the said applicants. The dispute between the complainant and the applicants being purely private and personal dispute, arising out of a quarrel which is stated to be now settled and, thus, according to the applicants, no fruitful purpose would be achieved by allowing said criminal proceedings to continue.

Considering the submissions advanced as aforesaid and the law laid down by the Hon'ble Supreme Court in the case of Narinder Singh and Others Vs. State of Punjab and another [2014 6 SCC 466], both the applications are, therefore, liable to be allowed, however by imposing suitable cost upon the parties as per order below:-

ORDER

Both the Criminal Applications are allowed. First Information Report No.454/2019, registered at Police Station, Nandanvan, Nagpur City, is quashed and set-aside, subject to the complainant as well as applicants depositing an amount of Rs.10,000/- each, with the Registrar of this Court, as cost, for putting criminal law into motion. On deposit of the said amount, Registrar of this Court shall transfer the same to the Police Welfare Fund, Nagpur. The amount of cost be deposited within two weeks from today.

JUDGE

JUDGE