

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

CRIMINAL APPLICATION (APL) NO.41 OF 2016

1. Nimbaji S/o. Devidas Borse ,
Aged 28 years, Occ. - Agriculturist,
2. Sau. Vaishali W/o. Nimbaji Borse,
Aged 24 years, Occ. Household,
R/o. Itai, Dhanora, Th. Nandura,
Dist. Buldhana.
3. Sau. Radha Vinod Gawande (Patil),
Aged 26 years, Occ. Household,
R/o. Mahalkhed, Tq. Muktai Nagar,
Dist. Jalgaon Khandesh.

....APPLICANTS

----- VERSUS -----

1. State of Maharashtra,
Through P. S. O. Jalamb,
Dist. Buldhana.
2. Sau. Poonam W/o. Ganesh Fand,
Aged 19 years, Occ. Household,
R/o. Matargaon, Tq. Shegaon,
Dist. Buldhana.

.... NON-APPLICANTS

Shri R. D. Karode, Advocate for the applicants.
Shri N. S. Rao, A.PP for the non-applicant No.1/State.
Ms. D. V. Sapkal, Advocate for non-applicant No.2.

CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATE : 03.03.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.
2. By this application under Section 482 of the Code of Criminal Procedure, the applicants have challenged registration of

the First Information Report No.63/2015 dated 31.12.2015 registered with the non-applicant No.1-Police Station for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. The First Information Report came to be registered against the applicants with the allegations that the applicants treated non-applicant No.2 with physical and mental harassment. The applicants have therefore, challenged registration of the First Information Report by filing the present application.

4. This Court on 10.08.2016 issued Rule and granted stay to the proceedings against the applicants.

5. During pendency of the present application, the applicants and the non-applicant No.2 have arrived at settlement and have resolved their dispute. The applicants have filed additional affidavit in Hindu Marriage Petition No.223/2019. In paragraph No.5 of the said affidavit, it is stated that, the non-applicant No.2 herein will withdraw the First Information Report and resultant proceedings and she has no objection in allowing the present Criminal Application by setting aside registration of the First Information Report No.63/2015. The decree in Hindu Marriage Petition No.223/2019 has been passed on the basis of affidavit filed by the non-applicant No.2, wherein clause No.7 states that the non-

applicant No.2 will withdraw her proceedings under the provisions of 498-A of the Indian Penal Code. It appears that the statements of husband and wife has been recorded by the Civil Judge (Senior Division), Khamgaon and decree for divorce has been passed on 13.12.2019.

6. Having considered the allegations in the First Information Report, which are personal in nature, having no impact to the society, we are satisfied that in view of the judgment of the Hon'ble Apex Court in the case of *Narinder Singh & others Vs. State of Punjab & another* reported in 2014 AIR SCW 2065, the First Information Report against the applicants can be quashed.

7. We therefore, pass the following order.

The First Information Report bearing No.63/2015 dated 31.12.2015 registered with the non-applicant No.1-Police Station for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code is quashed and set aside.

Rule is made absolute in the above terms.

JUDGE

JUDGE