

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

CRIMINAL APPLICATION (APL) NO.33 OF 2021

1. Sau. Bharati W/o. Maroti Shivarkar,
Aged 30 years, Occ. Housework
(Informant)

2. Vijay S/o. Sahebrao Ambhore,
Aged about 35 years, Occ. Labour

Both R/o. Rajendra Nagar, Akot,
Tah. Akot, Dist. Akola.

. . . . **APPLICANTS**

. . . . **VERSUS**

State of Maharashtra through
Police Station Akot (City),
Dist. Akola.

. . . **NON-APPLICANT**

Shri G.N.Shinde, Advocate for applicants.

Shri S. D. Sirpurkar, Additional Public Prosecutor for
Non-applicant - State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED :18/01/2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Heard.

2. Rule. Rule is made returnable forthwith.

3. This is joint application filed by the Informant and
the accused under Section 482 of the Code of Criminal Procedure
challenging registration of the First Information Report
No.292/2020 registered with the non-applicant no.1 – Police

Station for offences punishable under Sections 354, 452 and 504 of the Indian Penal Code.

4. The First Information Report came to be registered against the accused no.2 with the allegation that the applicant no.2 pushed the applicant no.1 during quarrel and touched her chest.

5. During the pendency of the proceedings against the applicant no.2, the applicant nos.1 and 2 have settled their dispute amicably. The applicant no.1 - Informant has filed her affidavit that the First Information Report was registered in heat of anger. It is also stated that the accused no.2 is her neighbour and to maintain their cordial relationship, she intends to withdraw the allegations against the applicant no.2.

6. We have carefully considered the contents of the First Information Report. It appears that the offences alleged against the applicant no.2 are personal in nature. Therefore, no useful purpose would be served by continuing with the prosecution as the chances of conviction of the applicant no.2 are bleak.

7. In view of the judgment of the Apex Court in the case of *Narinder Singh and others Vs. State of Punjab and anr. reported in AIR 2014 SCW 2065*, we are satisfied that the First Information Report registered against the applicant no.2 needs to be quashed and set aside. Therefore, we, pass the following order:

8. Rule is made absolute in terms of prayer clause (A).
Prayer clause A reads as under:

“A. Quash and set aside the First Information Report vide Crime No.0292/2020 registered by the non-applicant no.1 – Police Station, Akot (City), Dist. Akola for the offences punishable under Sections 354, 452 and 504 of the Indian Penal Code. (Annexure-3 to the petition)”.

JUDGE

JUDGE

Ambulkar