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

CRIMINAL APPLICATION (APL) NO. 84/2021

1] Kunal S/o Chandulal Patil (Husband)
Aged about 30 years, Occ. Private Job,

2] Kalpana W/o Chandulal Patil (Mother-in-Law)
Aged about 50 years, Occ. Housewife,

3] Chandulal S/o Keshavrao Patil (Father-in-Law)
Aged about 58 years, Occ. Retired,

4] Pooja D/o Chandulal Patil (Sister-in-Law)
Aged about 23 years, Occ. Student,

Applicant Nos. 1 to 4 are R/o A-18,
Rukhmini Complex, Mahendra Colony,
Kridangan, Near Water Tank, Jaitala,
Nagpur, Tq. & Dist. Nagpur

5] Kimaya W/o Kunal Patil (Wife)
Aged about 29 years, Occ. Housewife,

R/o Plot No.55, Amravati Road, Near Lokmanya
Tilak Vidyalaya, Indrayani Nagar, Dattawadi,
Nagpur, Tq. & Dist. Nagpur

.... **APPLICANT(S)**

// **VERSUS** //

State of Maharashtra,
Through Police Station Officer,
Police Station – M.I.D.C., Nagpur
Tahsil & District Nagpur

.... **NON-APPLICANT**

Shri A.J. Mirza, Advocate for the applicant(s)
Shri S.D. Sirpurkar, APP for the non-applicant

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 19/01/2021

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

1] Heard.

2] **RULE.** Rule made returnable forthwith.

3] This is an application under Section 482 of the Code of Criminal Procedure challenging F.I.R. No. 778/2019 dated 04/11/2019 registered with the non-applicant – Police Station for the offences punishable under Sections 498-A and 34 of the Indian Penal Code and consequent Charge-sheet No. 0/2020 dated 29/09/2020. The first information report is registered against the applicant nos. 1 to 4 with the allegations that the applicant nos. 1 to 4 physically and mentally harassed the applicant no. 5. It was also alleged that there was demand for dowry by the applicant nos. 1 to 4.

4] The applicants have placed on record the copy of the settlement entered into between the applicant nos. 1 to 4 and applicant no. 5 before the Family Court No. 4, Nagpur. As per the terms of settlement, all the matrimonial disputes between the applicant nos. 1 to 4 and applicant no. 5

have been settled. It is also agreed in Clause (6) of the terms of settlement that the applicant no. 5 shall withdraw the proceedings under Section 498-A of the Indian Penal Code. The applicants have also invited our attention to the judgment of the Family Court No. 4, Nagpur in Petition No. A-1442/2019 wherein the learned Judge of the Family Court No. 4, Nagpur has recorded that there is no dispute between the applicant nos. 1 to 4 and applicant no. 5 as regards their matrimonial issues. The applicant no. 5 has agreed to withdraw the complaint under Section 498-A of the Indian Penal Code pending before the Judicial Magistrate First Class, Nagpur.

5] We have carefully considered the contents of the first information report and the terms of settlement. From the allegations in the first information report, it appears that the offences alleged against the applicant nos. 1 to 4 are personal in nature. In view of the judgment of the Hon'ble Supreme Court in the case of *Narinder Singh and others vs. State of Punjab and another* **reported in (2014) 6 SCC 466**, there is no impediment in quashing the first information report registered against the applicant nos. 1 to 4. We are therefore satisfied that continuance of the proceedings against the applicant nos. 1 to 4 would amount to abuse of process of law.

6] Hence, the following order:-

F.I.R. No. 778/2019 dated 04/11/2019 registered with the non-applicant – Police Station alongwith Charge-sheet No. 0/2020 dated 29/09/2020 pending before the Judicial Magistrate First Class, Nagpur for the offences punishable under Sections 498-A and 34 of the Indian Penal Code are quashed and set aside.

Rule is made absolute in the above terms.

JUDGE JUDGE