

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

CRIMINAL APPLICATION (APL) NO. 398 OF 2022

1. Ghanshyam s/o Chudaman Jawale,
Aged 41 years, Occ. Service,
2. Chudaman s/o Atmaram Jawale,
Aged about 68 years, Occ. Nil,
3. Sunanda w/o Chudaman Jawale,
Age – 63 years, Occ. Nil,

Nos. 1 to 3 R/o Harshada Co-operative
Society, Ram Bagh Colony, Poul Road,
Kothrud, Pune.

4. Sau. Sonal Sachin Bhawe,
Age – 38 years, Occ. Housewife,
5. Sachin Suresh Bhawe,
Age – 40 years, Occ. Service,

Nos. 4 & 5 R/o Flat No. 201,
Radhai Apartment, Gururaj Society,
Poul Road, Kothrud, Pune.

6. Sau. Kiran Ghanshyam Jawale,
Age 37 years, Occ. Service,
R/o C/o Prafulla Dongare, Plot No. 7,
Near Ice Factory, Jatharpeth, Akola.

.....APPLICANTS

Vs.

State of Maharashtra,
Through P.S.O. Ramdespeth, Akola.

..... NON-APPLICANT

Mr. H.M. Mohta, Advocate for the Applicants.

Mr. T.A. Mirza, Additional Public Prosecutor for the Non-applicant/State.

**CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.**

DATE : 24.03.2022

JUDGMENT : (PER - AMIT BORKAR, J.)

1. Heard.
2. **Rule.** Rule made returnable forthwith.
3. By this application under Section 482 of the Code of Criminal Procedure, the applicants are challenging registration of First Information Report bearing No.81/2018 registered with non-applicant – Police Station for the offences punishable under Sections 498-A and 504 read with Section 34 of the Indian Penal Code and consequent filing of charge-sheet and proceedings bearing R.C.C. No.1035/2018 before Chief Judicial Magistrate, Akola.
4. The First Information Report came to be registered against the applicants with accusations that applicant No.6 was physically and mentally harassed by the application Nos.1 to 5. It is also alleged that the applicant Nos.1 to 5 assaulted the applicant No.6. After completion of investigation, the Investigating Agency has filed charge-sheet against the applicant Nos.1 to 5.

5. During the pendency of proceedings before the trial Court, the parties have amicably resolved their dispute. The applicants have therefore, filed joint application before this Court. The application was called on 22.03.2022, but with a view to ensure compliance of the terms and conditions agreed by the parties, the present matter is kept today.

6. Today, the applicant No.6- wife is present in the Court and stated that the applicant Nos.1 to 5 have complied with the directions of settlement and she has no objection to quash the proceedings against the applicant Nos.1 to 5.

7. We have carefully scrutinized the allegations in the First Information Report along with the material in the form of charge-sheet and we are satisfied the averments made in the First Information Report and material in the form of charge-sheet is not sufficient to constitute offence against the applicant Nos.1 to 5.

8. The decision of the Hon'ble Apex Court in the case of *Narinder Singh & others Vs. State of Punjab & anr.* reported in *(2014) AIR SCW 2065*, makes it clear that the Court cannot decline to quash the First Information Report merely because the First Information Report incorporates a particular provision which is a serious offence or offence against society. The Court has to

make an endeavour to find out whether the information in the First Information Report indeed discloses the ingredients of such an offence and the Court can accept the settlement and quash the report/charge-sheet only after the Court is of the opinion that such an offence is unnecessarily incorporated in the First Information Report/charge-sheet.

9. From the perusal of the First Information Report and the material produced before the Court, we are satisfied that the ingredients of the offence under Sections 498-A and 504 read with Section 34 of the Indian Penal Code are not fulfilled. Further, since the applicants have mutually resolved their dispute, the chances of conviction are bleak.

10. In view of the judgment of the Hon'ble Apex Court in the case of *Narinder Singh & others (supra)* and the amicable settlement of dispute between the parties, we are satisfied that there is no impediment in quashing the First Information Report along with the pending proceedings before the trial Court.

11. We therefore pass following order :

First Information Report bearing No.81/2018 along with charge-sheet bearing No.120/2018 registered with non-applicant – Police Station for the offences punishable under

Sections 498-A and 504 read with Section 34 of the Indian Penal Code and consequent proceedings bearing R.C.C. No.1035/2018 pending with Chief Judicial Magistrate, Akola are quashed and set aside.

Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE

R.S. Sahare