

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

...

CRIMINAL APPLICATION (APL) NO. 265/2016

1. Amol s/o Shyamrao Tantrapale
and others ..Applicants

versus

1. The State of Maharashtra and another ..Respondents

Mr R.M.Daga, Advocate for Applicants

Mr. S.S. Doifode, Addl. Public Prosecutor for Respondent no.1

Mr C.F.Bhagwani, Advocate for Respondent no.2

CORAM: NITIN JAMDAR &
ANIL L. PANSARE, JJ

DATED : 15 February 2022.

PC :

Heard learned counsel for the respective parties.

2. This Application is filed under Section 482 of the Code of Criminal Procedure 1973 for the following prayers:-

“ (a) Quash FIR dated 12/02/2016 registered against the applicants at Police Station Ajni, Nagpur for offence punishable under Sections 354, 325 read with Section 34 of Indian Penal Code vide C.R. No. 49/2016.

(b) To direct Respondent no.1 not to file charge-sheet in the matter during the pendency of present Application.”

3. The Application was filed to quash the FIR on merit. A reply affidavit is filed by the complainant opposing the Application. During the pendency of the Application, the matter was referred for mediation. Mediation was successful. The mediator has submitted a report annexing the settlement between the Applicants and Respondent no.2-complainant. Learned counsel for the Respondent no.2-complainant confirms that the parties have compromised and settled their dispute and that the Respondent-complainant has no objection to quashing the FIR. The learned counsel for Applicants and Respondent no.2 have jointly requested that the FIR be quashed.

4. In the light of their joint request and for the purpose of the main relief, the facts, in brief, are that the daughter of Respondent no.2 was married to Pravin, son of applicant nos.2 and 3. It was alleged that when Respondent no.2-complainant visited the applicants' house to meet her daughter, she was abused by the applicants, i.e. complainant's son-in-law and also physically assaulted her. The injury certificates are on record. They do not disclose that there are any grievous injuries. The CT scan certificate discloses no brain injury. The complainant's one tooth was broken. It is not placed before us that any applicants have criminal antecedents. The incident narrated in the FIR has taken place inside the house. Moreover, the parties are related to each other. The incident had

happened out of the domestic and matrimonial dispute in which the altercation had taken place. It is informed that the daughter of the Respondent no.2 and son of the applicant Nos. 2 and 3 are staying together and as yet divorce has not taken place and, therefore, looking at the welfare of the couple, both the parents have decided to put an end to their dispute.

5. That being the position and not quashing the FIR would be interfering with the settlement that has taken place and would be needless harassment to the parties. So also, it will not result in any conviction.

6. Considering the totality of the circumstances, the background of the dispute and the settlement that has taken place, we are of the opinion that the case falls within the parameters laid down by the Hon'ble Apex Court wherein an FIR in respect of cognizable offence can be quashed in view of the consent of the parties.

7. Accordingly, the Application is allowed in terms of prayer clause (a).

[ANIL L. PANSARE,J.]

[NITIN JAMDAR,J.]

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