

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

CRIMINAL APPLICATION NO. 447/2019

1. Chandrashekhar s/o Vinayak Honade,
aged about 32 years, Occ. Agriculturist,
2. Vinayak s/o Dalpat Honade,
aged about 66 years, Occ. Agriculturist,
3. Asha w/o Vinayak Honade,
aged about 62 years, Occ. Household.

All r/o Honade Complex, Anjansinghi
Road, Dhamangaon Railway,
Dist. Amravati.

.....APPLICANTS

...V E R S U S...

1. State of Maharashtra, through
Police Station Officer, Police Station
Gadge Nagar, Amravati, Dist. Amravati.
2. Poonam w/o Chandrashekhar Honade,
aged about 33 years, Occ. Household,
r/o c/o Shri Subhash Ganesh Mankar,
Siddhi Vinayak Nagar, Katra Naka,
Amravati, Dist. Amravati.

...NON APPLICANTS

Mr. Bhushan Dafle, Advocate for applicants.
Mr. M. K. Pathan, A.P.P. for non applicant no.1.
Mr. S. S. Dhengale, Advocate for non applicant no.2.

CORAM:- V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.
DATE:- MARCH 24, 2022

JUDGMENT (Per: Amit B. Borkar, J.)

1. Rule. Rule is made returnable forthwith. Heard finally by consent of learned Advocates for the parties.

Heard Mr.Dafle, learned Advocate for applicants, Mr.Pathan, learned A.P.P. for non applicant no.1 and Mr.Dhengale, learned Advocate for non applicant no.2.

2. By this application under Section 482 of the Code of Criminal Procedure, husband and in-laws of non applicant no.2 are challenging registration of First Information Report No.460/2019 dated 22.04.2019 with non applicant no.1, Police Station for the offence punishable under Sections 498-A, 354 read with Section 34 of the Indian Penal Code.

3. FIR came to be registered against the applicants with an accusation that the applicants physically and mentally harassed non applicant no.2 for non payment of dowry and applicant no.2- father-in-law has outraged modesty of non applicant no.2. The applicants have, therefore, challenged registration of the FIR by filing the present application.

This Court on 29.04.2019 issued notices to the non applicants.

4. During the pendency of present application, applicants and non applicant no.2 have arrived at an amicable settlement. Non applicant no.2 has filed affidavit dated 07.12.2021 stating that in view of the compromise executed between applicants and non applicant no.2 on 17.09.2019, they have amicably resolved their dispute and accordingly, applicant no.1 has given an amount of Rs.2,00,000/- to non applicant no.2 and the remaining amount of Rs.1,10,000/- will be paid to her at the time of final disposal of the present application.

5. This Court by order dated 21.01.2022 granted liberty to the applicants to pay remaining amount to non applicant no.2. Today, Mr. Dhengale, learned Advocate for non applicant no.2 states that non applicant no.2 has received remaining amount of Rs.1,10,000/- and has no objection for quashing of the present proceedings against the applicants.

6. We have carefully considered the allegations in the FIR along with reply filed by the non applicants and the material available on record. Though the offence in relation to Section 354 of the IPC is a serious offence, after having gone through the allegations and material on record, we are satisfied that even if the

allegations are taken on their face value, the essential ingredients of the offence punishable under Section 354 of the IPC are not fulfilled. The Hon'ble Apex Court in the case of *Narinder Singh and Ors. Vs. State of Punjab and anr.*¹ has held that it is permissible to quash a proceeding in relation to serious offences, if the material on record shows that essential ingredients of the offence alleged are not fulfilled and still the investigating agency has incorporated the said offence.

7. The applicants are personally present in the Court. It is stated by learned Advocate for Non applicant no.2 that non applicant no.2 could not attend the Court today. However, he has received instructions from non applicant no.2 that she has no objection for quashing of the First Information Report against the applicants.

8. Taking overall view of the matter and in view of the amicable resolution of the dispute between applicants and non applicant no.2, we are satisfied that there is no impediment in quashing First Information Report against the applicants. We, therefore, pass the following order.

1 AIR 2014 SCW 2065

ORDER

- (i) The application is allowed.
- (ii) First Information Report No.460/2019, dated 22.04.2019, registered with Police Station Gadge Nagar, Amravati for an offence punishable under Sections 498-A, 354 read with Section 34 of the Indian Penal Code is quashed and set aside.

Rule is made absolute in the above terms.

JUDGE**JUDGE**

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