

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

CRIMINAL APPLICATION (APL) NO. 1320 OF 2019

1. Ashutosh Dinesh Lahoti
Aged 29 years, Occ: Business
 2. Dinesh Tulshiram Lahoti
Aged 56 years, Occ: Business.
 3. Geeta Dinesh Lahoti
Aged 50 years, Occ: Household,
All R/o 49, Mahesh Nagar, Behind
D'Mart, Badnera Road, Amravati,
Tq. Dist. Amravati.
 4. Aishwarya Dinesh Lahoti
Aged 23 years, Occ: Student,
At present residing at Mumbai,
Permanent Add:
R/o 49, Mahesh Nagar, Behind D'Mart,
Badnera Road, Amravati,
Tq. Dist. Amravati.
 5. Shyamsunder Meghrai Tawari
Aged 58 years, Occ: Business,
R/o At Post Telhara,
Tq. Telhara, Dist. Akola
- APPLICANTS**

---VERSUS---

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Shegaon, Tq. Shegaon,
Dist. Buldhana

2. Shraddha Ashutosh Lahoti
Aged 28 years, Occ: Housewife,
R/o. C/o Sureshkumar Dhoot, R/o State
Bank Colony, Shegaon, Tq. Shegaon,
Dist. Buldhana.

--NON-APPLICANTS

Smt. S. S. Jadhav, Advocate for the Applicants.
Shri S.S. Doifode, Additional Public Prosecutor for Non-applicant No.1/State.
Shri N.R. Saboo, Advocate for Non-applicant no.2.

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

DATE : 30th MARCH, 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 the First Information Report bearing No.348 of 2019 dated 26.07.2019 registered with the non-applicant no.1 – Police Station for the offences punishable under Sections 498, 323, 504, 506 read with Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicants with the accusations that applicants subjected physical and mental harassment to non-applicant no.2 for non-payment of dowry. It is also alleged that applicants assaulted non-applicant no.2.

5. During pendency of the investigation, the applicants and non-applicant no.2, have amicably resolved their dispute. Therefore, applicants have filed application i.e. Criminal Application (APPP) No.423 of 2022 stating that they have mutually settled their dispute. The applicant no.1 has handed over the Demand Draft of ₹5,00,000/- (Rupees Five Lakhs only) to the non-applicant no.2 in the Court today. The father of non-applicant no.2 is also present. The non-applicant no.2 stated that she has decided to amicably settle her dispute. The non-applicant no.2 stated that she has no objection for quashing the proceedings against the applicants.

6. We have carefully considered the allegations in the First Information Report along with material on record, we are satisfied that the allegations in the First Information Report do not

constitute the ingredients of the offence alleged against the applicants, even if the allegations are taken on their face value.

7. 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 declare 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 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.

8. In view of amicable resolution of dispute between the applicants and non-applicant no.2, there is no impediment for quashing the First Information Report against the applicants.

9. We therefore pass the following order :

Rule is made absolute in terms of prayer clause (a) and consequent proceedings bearing Regular Criminal Case No.181 of 2020 pending on the file of learned Judicial Magistrate First Class, Shegaon, District Buldana is also quashed.

Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE

Wagh