

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

CRIMINAL APPLICATION (APL) NO. 1450/2022

Monali Prashant Deshmukh,
age 29 yrs., Occ. Private Job,
R/o C/o. Ganeshrao Jane,
Khabit, Tah. Asti, Dist. Wardha.

APPLICANT

VERSUS

State of Maharashtra through
Police Station Officer, Police Station
Ashti, Dist. Wardha.

NON-APPLICANT

Mr. U.J. Deshpande, Advocate for applicants.
Mr. V. A. Thakare, APP for non-applicant/State.

<u>CORAM</u>	: <u>VINAY JOSHI AND</u> <u>BHARAT P. DESHPANDE JJ.</u>
<u>DATE</u>	: <u>24.04.2023</u>

ORAL JUDGMENT (PER VINAY JOSHI, J.)

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report ('FIR') vide Crime No. 165/2022 registered with Police Station Ashti for the offence punishable under Sections 353 and 506 of the Indian Penal Code and related charge-sheet.

4. The report has been lodged by the Assistant Superintendent of Civil Court, Ashti regarding incident occurred in Court hall on 07.07.2022. It is prosecution case that at the relevant time, in the Civil Court, Tal. Ashti, Dist. Wardha, the applicant in the capacity of litigant appeared. She had instituted the proceeding under the provisions of Protection of Women from Domestic Violence Act. She felt that there was no progress in the matter, hence raised voice and argued with the learned Judge in inappropriate manner. She also threatened to commit suicide and thus, interrupted the smooth functioning of the Court and therefore, the report. The Police investigated the matter and as per statement made by the learned public prosecutor charge-sheet has been filed.

5. This case has peculiar facts of its own. A litigant got disturbed due to delay in executing the order of the maintenance. The applicant has realized her mistake and on 28.11.2022 has shown repentance to this Court. She also undertook to file an unconditional apology to the concerned Court. In pursuance of that, the applicant lady has filed affidavit in the Court of the learned Civil Judge on 28.11.2022, of which copies are made available. She has stated that due to financial crunches, she was disturb. She expressed that her behaviour was outcome of her mental stress and therefore, she filed an unconditional apology. The learned Civil Judge has noted the contents and accepted the apology tendered by the applicant.

6. The unlimited inherent powers are vested with this Court for securing the ends of justice and to prevent the abuse of the process of the Court. The incident perhaps had occurred due to frustration of a lady of not getting executed the maintenance order. She herself has admitted her mistake, tendered unconditional apology which was also accepted by the Civil Court. The matter cannot be said to be against the society or of grave nature. Since a frustrated lady has realized her mistake and undertakes that she would not repeat the things, there is no purpose in continuing the prosecution.

7. In view of above, we find that continuation of proceeding would be exercise in futility. In the circumstances, we are inclined to invoke our inherent powers by allowing this application. We hereby quash and set aside FIR vide Crime No. 165/2022 registered with Police Station Ashti for the offence punishable under Sections 353 and 506 of the Indian Penal Code and related charge-sheet.

8. Application stands disposed of in above terms.

(BHARAT P. DESHPANDE, J.)

Gohane

(VINAY JOSHI, J.)