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

CRIMINAL APPLICATION (APL) NO.29 OF 2020

1. Prashant s/o Devidas Dahale,
Aged about 42 years, occupation
service, r/o Mangalmurti,
Sapkal Mala, old village, near
Datta Mandir, taluka Chikhali,
district Buldana.

2. Shashikala wd/o Devidas
Dahale, aged 68 years, occupation nil,
R/o Near Iratkar Coaching
Classes, taluka Chikhali, district
Buldana.

..... **Applicants.**

:: VERSUS ::

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Chikhali, district
Buldana.

2. Rohini w/o Prashant Dahale,
Aged about 38 years, occupation
service, r/o c/o Dattatraya
Narayan Sonar, "Hemadata",
Uplai Road, behind Government
Godown, Barshi, Tahsil Barshi,
District Solapur.

..... **Non-applicants.**

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Shri Rugved Dhore, Counsel for Applicants.

Shri N.B.Kalwaghe, Counsel for Non-applicant No.2.

Shri S.S.Doifode, Additional Public Prosecutor for Non-applicant
No.1/State.

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.....2/-

CORAM : V.M.DESHPANDE & AMIT B.BORKAR, JJ.
DATE : OCTOBER 05, 2021

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

1. Heard learned counsel Shri Rugved Dhore for applicants, learned counsel Shri N.B.Kalwaghe for non-applicant No.2, and learned Additional Public Prosecutor Shri S.S.Doifode for non-applicant No.1/State. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel for parties.

2. By this application under Section 482 of the Code of Criminal Procedure, applicants are challenging criminal proceeding bearing RCC No.248/2014 pending before learned Judicial Magistrate First Class, Chikhali, district Buldana.

3. First Information Report came to be registered against present applicants for accusations of physical and mental torture to non-applicant No.2. Investigating agency, after investigation, filed chargesheet. Proceedings are pending before learned Magistrate. During the pendency of proceedings, parties have settled their dispute before Mediation Centre at High Court, Nagpur. Parties have placed on record mediation report along with agreement

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dated 17.9.2019. Clause No.(iii) of the agreement states that parties have agreed that civil proceeding filed by non-applicant No.2 against applicants shall be withdrawn and non-applicant No.2 has no objection for it.

4. Having carefully considered allegations in First Information Report, we are satisfied that nature of offences against applicants are personal in nature. The Honourable Apex Court in the case of Madan Mohan Abbot ..vs.. State of Punjab, reported at (2008)4 SCC 582 has taken a view that when allegations are personal in nature, it is advisable to quash proceedings so that time in such cases can be utilized for more deserving cases.

5. In view of the settlement between parties, recorded before the mediation centre, and in view of view taken by the Honourable Apex Court in the case of Madan Mohan Abbot cited (supra), we are satisfied that proceedings against applicants deserved to be quashed. We, therefore, pass following order:

ORDER

(1) The criminal application is allowed.

.....4/-

Judgment

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(2) Criminal proceeding bearing RCC No.248/2014 pending before learned Judicial Magistrate First Class, Chikhali, district Buldana is hereby quashed.

Rule is made absolute in above terms.

JUDGE

JUDGE

!! BRW !!

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