

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

CRIMINAL APPLICATION (APL) NO. 163 OF 2021

1. Gaurav s/o Prakash Borkar,
Aged about : 32 years,
Occupation : Service.
2. Prakash s/o Gajanan Borkar,
Aged about : 74 years,
Occupation : Retired Bank Officer.
3. Mrs. Manik w/o Prakash Borkar,
Aged about : 67 years,
Occupation : Housewife.

All R/o 103, Gagan Lahari Society,
Opposite Bank of India, D.P. Road,
Katrap Kulgaon, Badlapur (East),
District - Thane.

... **APPLICANTS**

V E R S U S

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Hudkeshwar,
Nagpur, District Nagpur.
2. Mrs. Minal W/o Gourav Borkar,
Aged : 31 years, Occ. Housewife,
R/o Plot No.26, Near Indira Gandhi
High School, Old Subhedar Layout,
Nagpur - 440024.

... **NON-APPLICANTS**

Shri R. M. Patwardhan, Advocate for applicants.

Shri N.S.Rao, Additional Public Prosecutor for non-applicant No.1-
State.

Shri R. N. Ingle, Advocate for non-applicant No.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 08/02/2021.

ORAL JUDGMENT : (PER : AMIT B. BORKAR, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. This is an application under Section 482 of the Code of Criminal Procedure challenging the registration of First Information Report No.551/2016 dated 24/12/2016 and consequent charge sheet in Regular Criminal Case No.873/2017.

4. The First Information Report came to be registered against the applicants with the accusation that the applicants have physically and mentally harassed the non-applicant No.2. After completion of investigation, the charge sheet came to be filed against the applicants before Judicial Magistrate First Class, Corporation Court No.2, Nagpur. During pendency of the proceedings before the said Court, the applicant No.1 and non-applicant No.2 have arrived at a compromise and have resolved their dispute before the Family Court No.4, Nagpur in Petition No.B/26/2018. As per Clause (e) of the compromise terms, the non-applicant No.2 has agreed to withdraw the Regular Criminal Case No.873/2017. The applicant has placed on record the copy of

compromise petition evidencing compromise between the non-applicant No.2 and the applicants.

5. Learned Advocate appearing for the non-applicant No.2 states that the non-applicant No.2 is present in the Court and has no objection to set aside the charge sheet and the First Information Report against the applicants.

6. We have considered the allegations in the First Information Report. Since the allegations in the First Information Report are personal in nature, there is no impediment in quashing of First Information Report and charge sheet filed against the applicants.

7. We, therefore, pass the following order :-

The First Information Report No.551/2016 dated 24/12/2016 and consequent charge sheet in Regular Criminal Case No.873/2017 are quashed and set aside.

8. Rule is made absolute in the above terms.

JUDGE

JUDGE