

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

CRIMINAL APPLICATION (APL) NO. 310 OF 2021

1. Shri Sandesh S/o. Prabhuji Gajbhiye,
Aged about 38 years, Occupation :
Government Job, R/o.97, Nilkamal
Housing Society, Sai Nagar No.2,
Hudkeshwar Road, Nagpur.
2. Shri Prabhu S/o. Hamuji Gajbhiye,
Aged About 68 years, Occupation:
Retired, R/o.97, Nilkamal
Housing Society, Sai Nagar No.2,
Hudkeshwar Road, Nagpur.
3. Sau. Anju Aka Pushpa Gajbhiye,
Aged About 61 years, Occupation:
Housewife, R/o.97, Nilkamal
Housing Society, Sai Nagar No.2,
Hudkeshwar Road, Nagpur.

.... **APPLICANTS.**

// VERSUS //

1. State of Maharashtra,
Through Hudkeshwar,
Police Station, Nagpur.
2. Mrunali Sandesh Gajbhiye,
R/o.C/o. Shri Subhash Damhare,
Plot No.49, Kashi Nagar,
Rameshwari Road, Nagpur.

.... **NON-APPLICANTS.**

Shri Y.B.Mandpe, Advocate for Applicants.
Ms Mayuri Deshmukh, A.PP for Non-applicant No.1/State.
Shri Nachiket Moharir, Advocate for Non-applicant No.2.

CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.
DATED : FEBRUARY 26, 2021.

ORAL 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 have challenged registration of the First Information Report No.545 of 2015 and consequent charge-sheet No.575 of 2016 filed with Judicial Magistrate First Class, Corporation Court No.2, Nagpur.

4. The First Information Report came to be registered against the applicants with the accusations that the applicants caused mental and physical harassment to the non-applicant No.2 and also assaulted the non-applicant No.2. Consequent to the registration of the First Information Report, charge-sheet came to be filed against the applicants before Judicial Magistrate First Class, Corporation Court No.2, Nagpur.

5. During pendency of the proceedings, the applicants and the non-applicant No.2 have resolved their matrimonial dispute before the

Mediator and affidavit to that effect was filed before Family Court No.4, Nagpur in Petition No. A-141 of 2017. The said affidavit is sworn before the Superintendent, Technical Wing of Family Court, Nagpur.

6. We have carefully considered the allegations in the First Information Report and the material in the charge-sheet. We are satisfied that the offences alleged against the applicants are personal in nature. Since the offences alleged against the applicants are personal in nature there is no impediment in quashing the First Information Report against the applicants.

7. We, therefore, pass the following order:

The First Information Report No.565 of 2015 and consequent charge-sheet bearing Regular Criminal Case No.575 of 2016 pending before Judicial Magistrate First Class, Corporation Court No.2, Nagpur for the offences punishable under Sections 323, 504, 498-A read with Section 34 of the Indian Penal Code, is quashed and set aside.

Rule is made absolute in the above terms.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)