

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

CRIMINAL APPLICATION (APL) NO.319 OF 2021

1. Abhay S/o. Dudhram Pawar,
Aged about 30 years, Occu.: Private,
2. Smt. Jayshree W/o. Dudhram Pawar,
Aged about 53 years, Occu.: Housewife,
3. Dudhram S/o. Late Chapla Pawar,
Aged about 63 years, Occ.: Retired,
R/o. Flat No.106, Gurulaxmi Heights,
Near Beltarodi Police Station,
Beltarodi, Nagpur.
4. Smt. Madhuri W/o. Pruthviraj Rathod,
Aged about 34 years, Occ. Housewife,
5. Pruthviraj S/o. Bhanusingh Rathod,
Aged about 36 years, Occ. Agriculturalist,
Both 5 and 6 R/o. Swami Niwas,
Jagdamba Mandir Road, Grin Park
Shrirampur, Yavatmal.
6. Smt. Angha W/o. Nilesh Chawhan,
Aged about 29 years, Occ.: Doctor,
R/o. Plot No.12, Vilas Nagar,
Chausala Road, Yavatmal,
7. Smt. Pooja W/o. Abhay Pawar,
Aged about 31 years, Occu.: Nil,
R/o. Ajinkya Plaza, Gokulpeth,
Nagpur.

....APPLICANTS

// VERSUS //

State of Maharashtra,
through Police Station Officer,
Police Station, Sonegaon, Nagpur.

.... NON-APPLICANT

Shri A. S. Shukla, Advocate for the applicants.
Ms. Mayuri Deshmukh, A.P.P for the non-applicant/State.

**CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.**

DATE : 23.02.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.
2. Rule. Rule is made returnable forthwith.
3. This joint application filed by the accused and the informant for quashing the charge-sheet No.09/2019 dated 24.04.2019 in pursuance of the First Information Report No.236/2018 dated 21.12.2018 and charge-sheet No.23/2020 dated 06.06.2020 in pursuance of the First Information Report No.244/2018 dated 30.12.2018.
4. The First Information Report came to be registered against the applicant Nos.1 to 6 with the accusations that the applicants physically and mentally harassed the applicant No.7. It is further alleged that the applicants have abused the applicant No.7.
5. During pendency of the proceedings before the Trial Court, parties have amicably settled their dispute. The parties have placed on record an application filed before the Judge, Family Court No.3, Nagpur in petition under Section 13-B of the Hindu Marriage Act, 1955. In the said application, by way of clause – (e), the applicant No.1 and applicant No.7 have agreed that the applicant

No.7 is ready to withdraw criminal proceedings initiated against the applicants. The said application has been allowed by the Family Court by order dated 13.01.2021 and has been converted into proceedings under Section 13-B of the Hindu Marriage Act, 1955. The applicant No.7 has affirmed the said application and has stated that the dispute between the applicant Nos.1 to 6 and applicant No.7 has been amicably resolved.

6. We have carefully considered the allegations in the First Information Report and the material in the charge-sheet. We have satisfied that the offences alleged against the applicant Nos. 1 to 6 are personal in nature. Since the applicants have amicably settled their dispute, the chances of conviction are bleak.

7. The Hon'ble Apex Court in the case of *Madan Mohan Abbot Vs. State of Punjab* reported in **(2008) 4 SCC 582** has taken view that when the parties have settled their dispute and chances of conviction are bleak, it is not advisable to continue with the criminal proceedings, as the criminal Court has already overburden. In view of the ratio of the Hon'ble Apex Court in the case of *Madan Mohan* (cited supra), we are satisfied that the First Information Report and charge-sheet against the applicant Nos.1 to 6 deserves to be quashed and set aside.

8. We therefore, pass the following order.

The First Information Report bearing No.236/20218 dated 21.12.2018, consequent charge-sheet No.09/2019 dated 24.04.2019 and resultant proceedings R.C.C.No.1303/2019 pending before the 8th Judicial Magistrate First Class, Nagpur and the First Information Report bearing No.244/2018 dated 30.12.2018, consequent charge-sheet No.23/2020 dated 06.06.2020 and resultant proceeding R.C.C.No. 1277/2020 pending before the 8th Judicial Magistrate First Class, Nagpur are quashed and set aside.

Rule is made absolute in the above terms.

JUDGE

JUDGE