

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

CRIMINAL APPLICATION (APL) NO. 328 OF 2021

1. Rahul s/o Vijay Kharche,
Aged about : 31 years,
Occ : Private Service,
R/o Murtijapur, Tah. Murtijapur,
District Akola.
2. Rekha w/o Vijay Kharche,
Aged about : 58 years,
Occ : Household,
R/o Murtijapur, Tah. Murtijapur,
District Akola.
3. Vijay s/o Purushottam Kharche,
Aged about : 69 years,
Occ : Retired,
R/o Murtijapur, Tah. Murtijapur,
District Akola.

... **APPLICANTS**

V E R S U S

1. State of Maharashtra,
Through Police Station Officer,
Murtijapur City, Tah. Murtijapur,
District Akola.
2. Vrushali w/o Rahul Kharche,
Aged about : 25 years,
Occ. : Household,
R/o Ahmad Gaon, Tah. Bodwad,
District Jalgaon.

... **NON-APPLICANTS**

Shri M. P. Kariya, Advocate for applicants.

Shri S. P. Deshpande, Additional Public Prosecutor for Non-applicant No.1-State.

Shri Y. B. Mandpe, Advocate for Non-applicant No.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 25/02/2021.

ORAL JUDGMENT : (PER : AMIT B. 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 First Information Report No.360/2018 registered against the applicants for the offences punishable under Sections 498-A, 323, 504 and 313 r/w Section 34 of the Indian Penal Code and Sections 4 and 7 of the Dowry Prohibition Act, 1961.

4. The First Information Report came to be registered against the applicants with the accusations that the applicants treated the non-applicant No.2 with cruelty on the ground of non-payment of dowry.

5. The applicants have, therefore, challenged registration of First Information Report by way of present application. During pendency of present application, the applicant No.1 and the non-applicant No.2 have mutually resolved their dispute. The non-applicant No.2 has filed affidavit stating that she

has no objection for quashing of First Information Report registered against the applicants.

6. We have carefully considered the content of First Information Report. Since the offences alleged against the applicants are personal in nature, we do not find any impediment in quashing and setting aside the First Information Report and the charge sheet registered against the applicants.

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

First Information Report No.360/2018, Charge Sheet No.156/2019 and Regular Criminal Case No.183/2019 pending on the file of Judicial Magistrate First Class, Murtijapur are quashed and set aside.

8. Rule is made absolute accordingly.

JUDGE

JUDGE