

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 444 OF 2021

APPLICANTS :-

1. Shri Shrikant Chari, aged about 23 years, Occ Student, R/o Flat No.706, 706, Jai Kalpana Apartment, 7th Floor, Central Bazar Road, Ramdaspath, Nagpur.
2. Ms Kanika Mittal, D/o Yogesh Mittal, aged about 25 years, Occ: Business, R/o. 902, Jai Kalpana Apartment, 9th Floor, Central Bazar Road, Ramdaspath, Nagpur.

...VERSUS...

- NON-APPLICANT :-**
1. State of Maharashtra, Through Police Station Officer, Sitabuldi Police Station, District Nagpur.

Mr.S.R.Bhandarkar, Advocate for the applicants.

Mr. S.P. Deshpande, A.P.P. for the non-applicant.

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

DATED : 31.03.2021.

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

1. Heard.

2. **ADMIT.**

3. This is a joint application filed by the informant and the accused for quashment of First Information Report bearing Crime No.91

of 2018, registered with the non-applicant-Police Station dated 31/01/2018 for the offences punishable under sections 66-C-, 66-D and 67 of the Information Technology Act, 2000.

4. The First Information Report No.91 of 2018 came to be registered against the applicant No.1 with the accusations that the applicant No.1 made fake profile of the applicant No.2 and sent obscene messages to the friends of the applicant No.2 on Instagram and Facebook. The non-applicant No.1 after completion of investigation filed charge-sheet. After filing of the charge-sheet, the applicants have mutually resolved their dispute and decided not to pursue any litigation against the applicant No.1.

5. The applicants have, therefore, filed present joint application seeking quashment of the First Information Report No.91 of 2018 and the Charge-sheet No.235 of 2018.

6. We have carefully considered the allegations in the First Information Report. On scrutiny of allegations in the First Information Report, it appears that the allegations made by the applicant No.2 against the applicant No.1 are personal in nature. The Hon'ble Apex Court in the case of ***Madan Mohan Abbot v. State of Punjab***, reported in ***(2008) 4 SCC 582*** has taken a view that it is advisable that in disputes where the question involved is of purely personal nature, the Court should ordinarily accept the terms of compromise even in

criminal proceedings, since keeping the matter alive with no possibility of the result in favour of prosecution is a luxury which the Courts, grossly overburden as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.

7. We, therefore, pass the following order:

- i) The First Information Report No.91 of 2018 and consequent charge-sheet bearing No.235 of 2018 for the offences punishable under Sections 66-C, 66-D and 67 of the Information Technology Act, 2000, is quashed and set aside.

8. The criminal application is allowed in the above terms.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)

Ghanshyam
Khunte

Digitally signed by
Ghanshyam Khunte
Date: 2021.04.06
13:55:10 +0530

KHUNTE