

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

CRIMINAL APPLICATION (APL) NO.247 OF 2018

1. Ashish Anil Madewar,
Aged about 39 Years, Occ.: - Service,
2. Anil Gunwantrao Madewar,
age abut 75 years,
Occ.- Retired from Service.
Mobile No.9822264766
3. Sau. Jyoti Anil Madewar,
Aged about 58 years,
Occ : Housewife.

Applicants No. 1 to 3 are
Resident of Vir Wamanrao
Chawk, Tilak Wadi, Near
Dr. Dabere Hospital, Tq. &
Dist. Yavatmal

. . . APPLICANTS

..V E R S U S..

1. State of Maharashtra
through P.S.O., Wadgaon
Road (Audhut Wadi), Tq. &
Dit. Yavatmal.
2. Sau. Komal Ashish Madewar,
Aged about 30 years, Occu: House hold,
R/o. C/o. Kishor Vasantrao
Muttelwar, Malipura, Tilak
Chowk, Ward No.22, Wani,
Tq. Wani Dist. Yavatmal.

. . . NON-APPLICANTS

Shri A.B.Mirza, Advocate for applicants.

Shri T.A. Mirza, Additional Public Prosecutor for Non-applicant
no.1.

Shri Anil A. Dhawas, Advocate for respondent no.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 22/01/2021.

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

1. Heard.
2. Rule. Rule is made returnable forthwith.
3. This is an application filed under Section 482 of the Code of Criminal Procedure challenging First Information Report No.187/2018 dated 22.2.2018 registered with the non-applicant no.1 - Police Station for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.
4. The First Information Report came to be registered against the applicants with the allegations that the applicants physically and mentally harassed the non-applicant no.2. The non-applicant no.3 was thrown out of matrimonial home by the applicants and, therefore, the non-applicant no.2 lodged First Information Report with the non-applicant no.1- Police Station on 22.2.2018.
5. The applicant has, therefore, filed present application challenging registration of the First Information Report. This Court on 26.3.2018 issued notice to the non-applicant

no.2. The non-applicant nos.1 and 2 have filed their reply and contested the application.

6. Shri A.B.Mirza, learned Advocate for the applicants has placed on record a copy of the judgment in Hindu Marriage Petition No.306/2017. The non-applicant no.2 and the applicant no.1 have resolved their dispute by entering into agreement. The said agreement has been affirmed before the Office Superintendent, Civil Judge, Senior Division, Yavatmal. Clause (3) of the said agreement specifically refers to the present proceedings. The non-applicant no.2 had agreed to withdraw of the Civil and Criminal proceedings. In view of the statement of the non-applicant no.2 in the compromise terms before the Civil Judge, Senior Division, Yavatmal, to withdraw the proceedings under Section 498-A of the Indian Penal Code, we are satisfied that the First Information Report impugned in the present application deserves to be quashed and set aside. We, therefore, pass the following order:

ORDER

First Information Report No.187/2018 dated 22.2.2018 registered with the non-applicant no.1 Police Station for offences punishable under Section 498-A read with Section 34

of the Indian Penal Code is quashed and set aside.

Rule is made absolute in the aforesaid terms.

JUDGE

JUDGE

Ambulkar