

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

CRIMINAL APPLICATION (APL) NO. 435/2020

- 1] **Sunny S/o Vijay Chatur,**
Aged about 35 years, Occ. Doctor,
- 2] **Vijay S/o Bhaurao Chatur,**
Aged about 73 years, Occ. Nil,
- 3] **Vaishali W/o Vijay Chatur,**
Aged about 64 years, Occ. Household

All Applicant no. 1 to 3, R/o. Ingole Chowk,
Malgujaripura, Wardha, Tq. & Dist. Wardha

- 4] **Tushar S/o Prafulla Kale,**
Aged about 49 years,
Occ. Government Service,
R/o. Rajeshri Colony, Dastur Nagar,
Amravati, Tq. & Dist. Amravati

.... **APPLICANT(S)**

// VERSUS //

- 1] **State of Maharashtra,**
Through Police Station,
Office of Police Station Wardha,
Tq. & Dist. Wardha
- 2] **Sau. Rakhi W/o Sunny Chatur,**
Aged about 32 years, Occ. Household
C/o. Rajendra Madhukar Dhulekar,
R/o. Vyankatesh Nagar, Dubewar Layout,
Near Narayana, Pusad, Tq. Pusad &
Dist. Yavatmal

Second Address

C/o. Shri Rahul Rajendra Dhulekar,
Apartment No. 202, C-Wing, Pristine
Meadows, Ubale Nagar, Wagholi, Pune
(As per Address mentioned in title clause of
Cri. M.A. 2166/2019 filed by non-applicant no. 2
at Pune)

.... **NON-APPLICANT(S)**

Shri Sawan Alaspurkar, Advocate for the applicant(s)

Ms. M. Deshmukh, APP for the non-applicant no. 1

Shri A.S. Chakotkar, Advocate for the non-applicant no. 2

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
APRIL 27, 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 F.I.R. No. 55/2020 dated 14/01/2020 registered with the non-applicant no. 1 – Police Station for the offences punishable under Sections 498-A, 504 and 34 of the Indian Penal Code and consequent Charge-sheet No. 189/2020 filed before the Judicial Magistrate First Class, Court No. 2, Wardha.

4] The first information report came to be registered against the applicants with the accusations that the applicants physically and mentally harassed the non-applicant no. 2. The investigating agency carried out the investigation and filed charge-sheet against the applicants in the Court of JMFC, Court No. 2, Wardha. The applicants have challenged registration of the first information report and consequent charge-sheet by filing the present application.

5] During the pendency of the present application, the applicants and the non-applicant no. 2 have arrived at settlement. The non-applicant no. 2 has filed an affidavit dated 02/11/2020. It is stated in para no. 4 that the non-applicant no. 2 has no grievance against the applicants and does not wish to pursue the matter further and wants to withdraw the complaint lodged against the applicants.

6] The applicant no. 1 has also filed an affidavit dated 20/04/2021. It is stated in para no. 6 that the applicant no. 1 has deposited/paid Rs. 17,50,000/- to the non-applicant no. 2 and have settled their dispute.

7] We have carefully considered the allegations in the first information report and the material in the form of charge-sheet. Having gone through the FIR and charge-sheet, we are satisfied that the offences lodged against the applicants are personal in nature. We are therefore satisfied that the chances of conviction are bleak. The Hon'ble

Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab** reported in (2008) 4 SCC 582 has taken a view that when the parties have arrived at settlement and the chances of conviction are bleak, it is advisable not to burden the Criminal Courts which are already overburdened. It is held that the time saved from such settlement can be utilized for other deserving work.

8] Hence, the following order:-

F.I.R. No. 55/2020 dated 14/01/2020 registered with the non-applicant no. 1 - Police Station and Charge-sheet No. 189/2020 filed with the JMFC, Court No. 2, Wardha against the applicants for the offences punishable under Sections 498-A, 504 and 34 of the Indian Penal Code are quashed and set aside.

Rule is made absolute in the above terms.

(JUDGE)

(JUDGE)

ANSARI