

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

CRIMINAL APPLICATION (APL) NO. 593 OF 2021

1. Sandeep Ramchandra Balbudhe,
Aged 41 years, Occ. Private,
2. Yamuna Ramchandra Balbudhe,
Aged about 65 years, Occ. Housewife,
3. Harshal Anil Bankar,
Aged 22 years, Occ. Student,
All R/o. Flat No.305, Spring Meadows
Society, Near Nawale Bridge, Pune
Bangalore Highway, Pune – 411041.**APPLICANTS**

... **VERSUS** ...

1. State of Maharashtra,
Through Police Station Officer,
Benoda Police Station, Amravati
(Rural),
2. Sau. Yogita Sandeep Balbudhe,
Aged about 30 years, Occ. Household,
R/o. C/o. Dhanrajaji Chindhuji Satpute,
Near Central Bank of India, Morshi Road,
Benoda (Shahid), Tq. Warud,
Dist. Amravati.**NON-APPLICANTS**

Shri Mohammad Ateeque, Advocate for Applicants.
Ms. M. A. Barabde, Additional Public Prosecutor for Non-applicant No.1/State.
Shri S. B. Hemke, Advocate for Non-applicant No.2.

**CORAM : V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 12.07.2021.

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

1. Heard.

2. Rule. Rule is made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicants have challenged registration of the First Information Report No.13/2021 dated 19.01.2021 registered with the non-applicant no.1 - Police Station for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

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. It is also alleged that the non-applicant No.2 was physically harassed for non-payment of dowry.

5. The applicants have therefore challenged registration of the First Information Report by way of filing present application on the ground that the applicants and the non-applicant No.2 have resolved their dispute and have filed a compromise before the Family Court, Pune in Petition A No.538/2020. The applicants have placed on record copy of compromise on page 29 of the present application.

6. The non-applicant No.2 has filed written submission which are affirmed by the non-applicant No.2 on oath. The non-applicant No.2 in paragraph No.4 of the said written

submission/reply has stated that she is not interested to prosecute the applicants for offences registered vide Crime No.13/2021.

7. In view of the settlement arrived between them, and the Decree of Divorce passed by the Family Court, Pune, we have carefully considered the allegations in the First Information Report and the reply filed by the non-applicant No.2 dated 03.07.2021. On scrutiny of the allegations in the First Information Report, we are satisfied that the offences alleged against the applicants are personal in nature. Since the applicants and the non-applicant No.2 have mutually resolved their dispute and the Decree of Divorce is passed by the Family Court, Pune on 08.06.2021 and since the non-applicant No.2 has stated on oath that she is not interested to prosecute the applicants for offences vide Crime No.13/2021, we are satisfied that in view of the judgment of Hon'ble Apex Court in the case of ***Madan Mohan Abbot Vs. State of Panjab*** reported in **(2008) 4 SCC 582** wherein the Hon'ble Apex Court has taken a view that it is advisable that in disputes where the question involved is of a purely personal nature, the Court should originally accept the terms of compromise even in criminal proceeding as keeping the matter alive with no possibility in favour of the prosecution is a luxury which Courts, grossly overburdened, as they are, cannot afford and that the time so saved

can be utilized in deciding more effective and meaningful litigation.

In view of above, there is no impediment in quashing the First Information Report against the applicants.

8. We, therefore, pass the following order :

The First Information Report No.13/2021 dated 19.01.2021 registered with the non-applicant no.1 - Police Station against the applicants for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code is quashed and set aside.

Rule is made absolute in the aforesaid terms.

JUDGE

JUDGE