

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

CRIMINAL WRIT PETITION NO.593 OF 2021

1. Vishakha W/o. Dinesh Gharde,
Aged about – 29 yrs., Occ.- Nil,
R/o. C/o. Ashok Meshram, Plot No.102,
In front of Corporation School,
Kapil Nagar, Nari Road, Nagpur.
2. Dinesh S/o. Haridas, Gharde,
Aged about – 42 yrs., Occ.-Labour,
R/o. Ward No.1, Mordongri Road,
Pathakheda Thana, Sarni,
Tah. Ghodadongri, Dist.-Baitul (M.P.),
3. Bipin S/o. Gunakar Khandekar,
Aged about – 47 yrs., Occ.-Private,
R/o. Plot No.71,
Dr. Babasaheb Ambedkar Society,
Mankapur, Nagpur.
4. Manjula Wd/o. Haridas Gharde,
Aged about – 69 yrs., Occ.-Nil,
R/o. Ward No.-1, Mordongri Road,
Pathakheda Thana, Sarni,
Tah.- Ghodadongri, Dist.- Baitul (M.P.),
5. Harshal S/o. Mahendra Khobragade,
Aged about – 24 yrs. Occ.-Student,
R/o. Plot No.71,
Dr. Babasaheb Ambedkar Society,
Mankapur, Nagpur.
6. Pranita W/o. Bipin Khandekar,
Aged about – 42 yrs. Occ.-Service,
R/o. Plot No.71,
Dr. Babasaheb Ambedkar Society,
Mankapur, Nagpur.

....PETITIONERS

---- VERSUS ----

State of Maharashtra,
Through Police Station Officer,
Jaripatka Police Station, Jaripatka,
Nagpur.

.... RESPONDENT

Mrs. Amruta Ghonge, Advocate for the petitioner No.1.
Shri A. K. Neware, Advocate for the petitioner Nos.2 to 6.
Shri S. M. Ghodeswar, A.P.P for the respondent/State.

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

DATE : 20.08.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.

2. **RULE.** Rule made returnable forthwith.

3. By this writ petition under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, the petitioners have jointly filed the present petition challenging registration of the Charge-Sheet and proceeding bearing Regular Criminal Case No.1568/2016 pending before the learned Judicial Magistrate First Class, Court No.7, Nagpur.

4. The marriage between the petitioner No.1 and the petitioner No.2 was solemnized on 29.04.2011 but thereafter, there was discord in relations between the petitioner No.2 and the petitioner No.1. The First Information Report No.63/2016 came to be registered against the petitioner Nos.2 to 6 by the petitioner No.1 resulting into charge-sheet No.161/2016.

5. During the pendency of the proceedings before the learned Judicial Magistrate First Class, the petitioners decided to mutually resolve their dispute and agreed to withdraw all proceedings against each other. The petitioner Nos.1 and 2 had filed consent terms before the Family Court No.4, Nagpur in Petition No. E-239/2016 wherein the petitioner No.1 consented for quashing Regular Criminal Case No.1568/2016 pending before the Judicial Magistrate First Class, Court No.7, Nagpur.

6. We have carefully considered the allegations in the First Information Report and the material produced on record in the form of charge-sheet. On overall consideration of the material, we are satisfied that the offences registered against the petitioner Nos.2 to 6 are personal in nature. 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 it is advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of compromise even in criminal proceeding as keeping the matter alive with no possibility of conviction in favour of the prosecution is a luxury which the Courts, grossly over-burdened, as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.

7. In view of settlement between the petitioners and the judgment of the Hon'ble Apex Court in the case of ***Madan Mohan Abbot*** (*supra*), there is no impediment in quashing the proceedings against the petitioner Nos.2 to 6.

8. We therefore, pass the following order :

The proceedings of Regular Criminal Case No.1568/2016 pending on the file of the learned Judicial Magistrate First Class, Court No.7, Nagpur and Charge-Sheet No.161/2016 for the offence punishable under Section 498-A read with 34 of the Indian Penal Code are quashed and set aside.

9. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE