

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

CRIMINAL APPLICATION (APL) NO. 820 OF 2021

1. Shaheen Parveen Mohd. Nazim,
Aged : 24 Yrs. Occp. : Home Maker,
R/o. Prabhat Nagar, Pusad,
Tah. Pusad, Distt. Yavatmal.
 2. Mohd. Nazim Mohd. Nizam,
Aged : 45 Years, Occp. : Business,
R/o. Opposite Shivaji High School,
Prabhat Nagar, Pusad,
Tah. Pusad, Distt. Pusad.
- **APPLICANTS**

---VERSUS---

State of Maharashtra,
Through P. S. O.,
Police Station Vasant Nagar,
Pusad.

..... **NON-APPLICANT**

Shri U. J. Deshpande, Advocate for the Applicants.
Shri V. A. Thakare, Additional Public Prosecutor for the Non-applicant/State.

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

DATE : 23.09.2021.

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 are challenging Criminal Proceedings bearing R.C.C. No.279/2019 pending on the file of the learned Judicial Magistrate First Class, Pusad on the basis of charge-sheet dated 11.10.2019 in connection with Crime

No.474/2018 for the offences punishable under Sections 377, 511, 323, 504 and 506 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant No.2 with the accusations that the applicant No.2 had forcible unnatural sexual intercourse with the applicant No.1 and also assaulted the applicant No.1. The Investigating Agency carried out the investigation and filed charge-sheet against the applicant No.2.

5. During the pendency of the proceedings, the applicant Nos. 1 and 2 have mutually resolved their dispute and have jointly filed the present application challenging the Criminal Proceedings pending before the learned Judicial Magistrate First Class, Pusad.

6. Today, the applicant Nos.1 and 2 are present in the Court. It is agreed that the applicant No.2 shall be paying an amount of Rs.1,30,000/- to the applicant No.1 towards permanent alimony. The applicant No.1 stated before the Court that she has settled the dispute with the applicant No.2 out of her free-will and there is no force on her to settle the dispute.

7. Taking into consideration the nature of the offences, we are of the view that in view of the judgment of 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, 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.

8. In view of the ratio laid down by the Hon'ble Apex Court in the case of *Madan Mohan Abbot (supra)* and in view of settlement between the parties, we are satisfied that there is no impediment in quashing the proceedings against the applicant No.2.

9. We therefore, pass following order.

The Criminal Proceedings bearing R.C.C. No.279/2019 pending on the file of the learned Judicial Magistrate First Class, Pusad on the basis of charge-sheet dated 11.10.2019 in connection with Crime No.474/2018 for the offences punishable under Sections 377, 511, 323, 504 and 506 of the Indian Penal Code is quashed and set aside.

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

JUDGE

JUDGE