

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

CRIMINAL APPLICATION (APL) NO. 1013 OF 2021

1. Dr. Ankush S/o. Dnyaneshwar Khichade,
Aged about 34 years, Occ. Doctor,
2. Dnyaneshwar S/o. Pandurang Khichade,
Aged about 61 years, Occ. Retired.
3. Sau. Manda W/o. Dnyaneshwar Khichade,
Aged about 58 years, Occ. Teacher.
4. Sudhir Dnyaneshwar Khichade,
Aged about 30 years, Occ. Business,
No.1 to 4 R/o. Amey Apartment,
Behind Jayant Talkies, Chandrapur.
5. Ravindra S/o. Gajanan Sonkusare,
Aged about 46, Occ. Teacher.
6. Sau. Madhuri W/o. Ravindra Sonkusare,
Aged about 42, Occ. Teacher,
No.4 to 5, R/o. Karmarkar Hospital,
Mul Road, Chandrapur.
7. Triveni Keshavrao Bairam,
Aged about 46, Occ. LIC Agent,
R/o. Chhota Bazar, Chandrapur.

... **APPLICANTS**

----VERSUS----

1. State of Maharashtra,
Through P. S. Hudkeshwar, Nagpur.
2. Dr. Rupali W/o. Ankush Khichade,
Aged about 34 yrs., Occ.- Doctor,
R/o. C/o. Ramesh Ohal,
Swami Samrth Nagri, Besa Road,
Nagpur.

... **NON-APPLICANTS**

Shri Gajanan Hemke, Advocate for Applicants.

Shri T. A. Mirza, Additional Public Prosecutor for Non-applicant/State.

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

DATE : 29.09.2021.

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 registration of The First Information Report bearing No.431/2019 registered against the applicants with the non-applicant No.1 – Police Station, consequent charge-sheet and R.C.C.No.3244/2020 for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code pending before the learned Judicial Magistrate, Corporation Court No.2, Nagpur.
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 and also assaulted her. The Investigating Agency carried out the investigation and filed charge-sheet against the applicants.
5. During the pendency of the proceedings against the applicants, the applicant No.1 and the non-applicant No.2 have arrived at settlement and have decided to dissolve their marriage. The compromise terms between the applicant No.1 and the

non-applicant No.2 has been recorded in application No. A-25/2021 before the learned Family Court No.3, Nagpur on 12.08.2021. The applicants have placed on record copy of the compromise terms by way of Annexure-II at page No. 59.

6. Today, the non-applicant No.2 is personally present in the Court and stated that she has no objection for quashing and setting aside the criminal proceedings against the applicants.

7. We have carefully considered the allegations in the First Information Report along with the material in the form of charge-sheet. On careful perusal of the material, we are satisfied that the offences alleged against the applicants 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, 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. We are, therefore, satisfied that continuation of the proceedings against the applicants would amount to abuse of process of Court.

9. We therefore, pass following order :

The First Information Report bearing No.431/2019 registered with the non-applicant No.1 – Police Station against the applicants, consequent charge-sheet and R.C.C.No.3244/2020 for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code pending before the Judicial Magistrate, Corporation Court No.2, Nagpur are quashed and set aside.

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

JUDGE

JUDGE