

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

CRIMINAL APPLICATION (APL) NO. 943 OF 2021

Mohammad Hanif Mohammad
Shaikhji Jamal,
Age – 43 years, Occu. - Labourer,
R/o. Chand Nagar, Digras,
Tq. Digras, Dist. - Yavatmal.

... **APPLICANT**

----**VERSUS**----

1. State of Maharashtra, through
PSO Digras, Tq. - Digras,
District – Yavatmal.
2. Mahalka Najnin Mohammad Ismail,
Age – 43 Yrs., Occu. - Service,
R/o. Chand Nagar, Digras,
Tq.- Digras, Dist. - Yavatmal

... **NON-APPLICANTS**

Shri Imran Deshmukh, Advocate for Applicant.

Shri S. M. Ghodeswar, 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 applicant is challenging the proceedings initiated against him vide Session Case No.19/2020 pending before the learned Additional Sessions Judge, Darwha, District

Yavatmal in consequence of the First Information Report bearing No.853/2018 registered with the non-applicant No.1 – Police Station for the offences punishable under Sections 354, 354-A, 447, 353, 294, 509 and 504 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicants with the accusations that the applicant held hand of the non-applicant No.2 with bad intention and abused the non-applicant No.2. It is alleged that the applicant committed such act which offended modesty of the non-applicant No.2. The Investigating Agency carried out the investigation and filed charge-sheet against the applicant.

5. During pendency of the proceedings, the applicant and the non-applicant No.2 have arrived at settlement and the applicant has therefore filed present application challenging continuation of proceedings against the applicant.

6. The non-applicant No.2 has filed affidavit dated 26.09.2021. In the said affidavit, the non-applicant No.2 has given her no objection for quashing and setting aside the proceedings of Sessions Case No.19/2020 filed against the applicant.

7. Today, the non-applicant No.2 is personally present in the Court and stated that she has settled her dispute with the

applicant. She stated that she has settled the dispute without any pressure or duress exercised on her. The non-applicant No.2 was identified by the learned Advocate for the non-applicant No.2.

8. We have carefully considered the allegations in the First Information Report and taking into consideration the judgment of the Hon'ble Apex Court in the case of *Madan Mohan Abbot Vs. State of Punjab* reported in (2008) 4 SCC 582, wherein the Hon'ble Apex Court has held 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.

9. We are, therefore, satisfied that continuation of the proceedings against the applicant would amount to abuse of process of Court.

10. We therefore, pass following order :

The proceedings against the applicant vide Sessions Case No.19/2020 pending before the learned Additional Sessions Judge, Darwaha, District Yavatmal in consequence of the First Information Report No.853/2018 registered with the

non-applicant No.1- Police Station for the offences punishable under Sections 354, 354-A, 447, 353, 294, 509 and 504 of the Indian Penal Code is quashed and set aside.

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

JUDGE

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