

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

CRIMINAL APPLICATION (APL) NO. 992 OF 2021

1. Sandeep S/o Madanlal Yadav
Aged about 34 years, Occ. : Service,
Hawrapeth, Plot No. 54, near Hatagade
Kirana Store, Nagpur
2. Mohanlal Laxman Yadav
Aged about 65 years, Occ. : Private,
R/o Hawrapeth, Plot No. 54, near
Hatagade Kirana Store, Nagpur
3. Durga Mohanlal Yadav,
Aged about 66 years, Occ. Housewife
R/o Hawrapeth, Plot No. 54, near
Hatagade Kirana Store, Nagpur
4. Pritesh Paramhans Yadav,
Aged about 38 years, Occ. Private,
R/o Swami Vivekanand Nagar, Khanan,
Nagpur
5. Uma Pritesh Yadav,
Aged about 34 years, Occ. Housewife,
R/o Swami Vivekanand Nagar, Khanan,
Nagpur

.. **APPLICANTS**

Versus

1. The State of Maharashtra, Through P.S.
Ajni, Dist. Nagpur
2. Komal Sandeep Yadav,
A/a 29 yrs.
R/o Hawrapeth, Plot No. 54, near
Hatagade Kirana Store, Nagpur

..
RESPONDENTS /
NON -
APPLICANTS

Ms. Sheetal S. Deshpande, Advocate for applicants
Mr. S.S. Doifode, A.P.P for non-applicant / State
Mr. S.K. Sahabat Ullah, Advocate for the non-applicant No.2

CORAM: VM. DESHPANDE, &
AMIT B. BORKAR, JJ.

DATE : SEPTEMBER 24, 2021

JUDGMENT : (Per : Amit B. Borkar, J.)

Heard. **Rule.** Rule made returnable forthwith.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicants have challenged registration of First Information Report No.199/2021, registered with non-applicant No.1 – Police Station for offences punishable under Sections 498-A, 323, 294, 506 of the Indian Penal Code.

3. 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 assaulted her. During pendency of the investigation, the applicants and non-applicant No.2 have arrived at mutual

settlement. The non-applicant No.2 has filed affidavit dated 27/08/2021 stating that she has no objection for quashing the First Information Report filed against the applicants. Today, the non-applicant No.2 is present in the Court. She has stated before the Court that she has no objection for quashing the First Information Report against the applicants. The learned Advocate for the non-applicant No.2 has identified the non-applicant No.2.

4. Having carefully considered the allegations in the First Information Report, 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 in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of compromise even in criminal proceedings as keeping the matter alive with no possibility of conviction in favour of the prosecution is a luxury which the Courts, grossly overburdened, as they are, cannot afford and that the time so saved

can be utilized in deciding more effective and meaningful litigation.

5. In view of the ratio laid down in the case of **Madan Mohan Abbot** (supra), there is no impediment in quashing First Information Report against the applicants.

6. We, therefore, pass the following order :

First Information Report No.199/2021, registered with non-applicant No.1 – Police Station for offences punishable under Sections 498-A, 323, 294, 506 of the Indian Penal Code is quashed and set aside against the applicants.

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

JUDGE

JUDGE

MP Deshpande