

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

Criminal Application (APL) No.989 of 2021

1. Mrs. Palak Dw/of Vijay Wadhwani
@ Anita D/o Rajkumar Das,
Aged 37 years,
Occ.: Legal Practitioner,
R/o Hemu Kalani Chowk,
Sindhi Colony,
Gondia, Dist. Gondia.
2. Vijaykumar Prakashlal Wadhwani,
Aged 41 years,
Occ.: Business.
3. Ravikumar Prakashlal Wadhwani,
Aged 41 years,
Occ.: Business.
4. Sakshi Ravikumar Wadhwani,
Aged 41 years,
Occ.: Business.

Above all applicants no.2 to 4,
R/o Sindhicamp, Pakki Kholi,
Akola.

... Applicants

Versus

State of Maharashtra,
through P.S.O., Police Station
Civil Line, Akola.

... Non-Applicant

Shri R.M. Pande, Advocate for Applicants.
Shri T.A. Mirza, APP for Non-Applicant.

CORAM : V.M. DESHPANDE & AMIT B. BORKAR, JJ.
DATE : 30th SEPTEMBER, 2021

Oral Judgment (Per Amit B. Borkar, J.) :

1. Heard Pande, the learned counsel for the applicants; and Shri Mirza, the learned APP for the non-applicant.

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

3. By this application under Section 482 of the Code of Criminal Procedure, the applicants are jointly challenging the registration of First Information Report No.448 of 2008 dated 21-8-2008 registered with the non-applicant - Police Station Civil Lines, Akola for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant Nos.2 to 4 with the accusations that the applicant Nos.2 to 4 were physically and mentally harassing the applicant No.1. The Investigating Agency has carried out the investigation and filed chargesheet against the applicant Nos.2 to 4. During the proceedings, the applicants have arrived at a mutual settlement and have decided to withdraw the criminal proceedings against the applicant Nos.2 to 4.

5. The applicants have, therefore, filed the present application for quashing and setting aside the First Information Report along with the

consequent criminal proceedings, bearing R.C.C. No.48 of 2009.

6. Today, the applicant No.1, who is a practising Advocate, is present in Court. She has stated that she has no objection for quashing and setting aside the proceedings against the non-applicant Nos.2 to 4. She has further stated that the no objection given by her is out of her own free-will and there is no force or duress for withdrawing the proceedings.

7. We have carefully considered the allegations in the First Information Report along with the material produced in the chargesheet. Taking into consideration the allegations in the First Information Report and the material in the chargesheet, we are satisfied that the offences alleged against the applicant Nos.2 to 4 are personal in nature. The 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 purely of a personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings since keeping the matter alive with no possibility of a result 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. We, therefore, find that there is no impediment in quashing and setting aside the First

Information Report and the consequent criminal proceedings, bearing R.C.C. No.48 of 2009 against the applicant Nos.2 to 4.

8. Hence, we pass the following order :

First Information Report No.448 of 2008 dated 21-8-2008 along with the consequent criminal proceedings, bearing R.C.C. No.48 of 2009 pending before the Judicial Magistrate First Class, Akola for the offence punishable under Section 498 read with Section 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, shall also stand(s) disposed of.

(AMIT B. BORKAR, J.)

(V.M. DESHPANDE, J.)