

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

CRIMINAL APPLICATION (APL) NO. 981 OF 2021

1. Harshal Rambhau Udupure,
Age : 24 years, Occu. : Labour,
R/o. New Pandarabodi,
Police Station Ambazari,
Ambazari Nagpur.
2. Vicky Pundlik Mankar,
Age : 28 years, Occu. : Labour,
R/o. New Pandarabodi,
Police Station Ambazari,
Ambazari Nagpur.
3. Atul Devidas Turkar,
Age : 25 years, Occu. : Business,
R/o. Near Kalimata Mandir,
Hilltop Ramnagar, Pandarabodi,
Police Station Ambazari, Nagpur.**APPLICANTS**

---VERSUS---

State of Maharashtra,
Through Police Station Officer,
Police Station Ambazari, Nagpur.**NON-APPLICANT**

Ms Bhagyashri V. Reddy, Advocate for the Applicants.
Shri T. A. Mirza, 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 have jointly prayed for

quashing and setting aside the First Information Report No.11/2021 dated 11.01.2021 and Charge-Sheet bearing No.155/2021 dated 30.07.2021 for the offences punishable under Sections 294, 323, 504 and Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant Nos.1 and 2 with the accusations that the applicant Nos.1 and 2 abused the applicant No.3 in filthy language and also assaulted the applicant No.3. The Investigating Agency carried out the investigation and filed charge-sheet against the applicant Nos.1 and 2.

5. During the pendency of the proceedings, the applicants have mutually resolved their dispute and have filed present application challenging registration of the First Information Report along with charge-sheet against the applicant Nos.1 and 2. It is stated that the complaint came to be filed due to misunderstanding between the applicants and now they have decided to resolve their dispute and the applicant No.3 has no objection for quashing the proceedings against the applicant Nos.1 and 2 out of his own free-will.

6. We have carefully considered the allegations in the First Information Report and the material in the form of charge-sheet. On consideration of the material against the applicant Nos.1

and 2, we are of the view that the proceedings against the applicant Nos.1 and 2 needs to be quashed and set aside 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, 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.

7. Therefore, we pass following order.

The First Information Report No.11/2021 dated 11.01.2021 and Charge-Sheet bearing No.155/2021 dated 30.07.2021 for the offences punishable under Sections 294, 323, 504 and Section 34 of the Indian Penal Code are quashed and set aside.

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

JUDGE

JUDGE