

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

Criminal Application (APL) No.1049 of 2021

1. Mayankraj S/o Kanchan Sharma,
Aged about 27 years,
Occ.: Service,
R/o Metro Plaza,
Sinha Road, Adampur,
Near Shiv Shakti Mandir,
Bhagalpur,
Bihar-812001.
2. Priti D/o Baij Nath Sah,
Aged about 27 years,
Occ.: Service,
Permanent R/o Near Durga Mandir,
Officer Colony, Karkend,
Kusunda, Dhanbad,
Jharkhand-828116.
3. Minal D/o Arun Pandey,
Aged about 25 years,
R/o Plot No.406,
Shivrani Heights,
Gokul Housing Society,
Gorewada Road, Borgaon,
Nagpur-440013.

... Applicants

Versus

The State of Maharashtra,
through Police Station Officer,
Police Station, Gittikhadan,
Nagpur.

... Non-Applicant

Shri N. Khamborkar, Advocate for Applicants.
Shri S.M. Ghodeswar, 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 Khamborkar, the learned counsel for the applicants; and Shri Ghodeswar, 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 requesting for quashing and setting aside the First Information Report No.489 of 2019 registered with the non-applicant – Police Station Gittikhadan, Nagpur for the offences punishable under Section 354(D) of the Indian Penal Code and Sections 66(C) and 67 of the Information Technology Act, 2000 against the applicant Nos.1 and 2 along with the proceedings in R.C.C. No.570 of 2020 pending before the learned 15th Joint Civil Judge, Junior Division, and Judicial Magistrate First Class, Nagpur.

3. 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 in collusion with each other posted false information on the Facebook account of the complainant and created false account in her name. It is alleged that the photographs of the complainant were uploaded on the social media by the applicant Nos.1 and 2. The

Investigating Agency has carried out investigation and filed chargesheet against the applicant Nos.1 and 2.

4. During the pendency of the proceedings, the complainant and the applicant Nos.1 and 2 have resolved their dispute. The applicants have, therefore, jointly filed the present application stating that since the dispute between the applicants and the complainant has been amicably settled by the intervention of senior family members of the applicants and since the applicant Nos.1 and 2 have tendered unconditional apology to the applicant No.3, the applicant No.3 has decided to withdraw the proceedings against the applicant Nos.1 and 2, taking into consideration the prospects of career of the applicant Nos.1 and 2.

5. Today, the applicant No.3 is present in the Court. She has been identified by her Advocate Shri Khamborkar. The applicant No.3 states that she has given no objection for quashing and setting aside the proceedings against the applicant Nos.1 and 2 out of her own free-will and there is no force or duress for withdrawal of the proceedings against the applicant Nos.1 and 2.

6. We have carefully considered the allegations in the First Information Report along with the material produced in the chargesheet. On careful reading of the First Information Report, we

are satisfied that the chances of conviction against the applicant Nos.1 and 2 are bleak. 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 Courts should ordinarily accept the terms of 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.

7. In view of the judgment of the Apex Court in the case of **Madan Mohan Abbot** (supra) and in view of the fact that the allegations in the First Information Report and the material produced in the chargesheet are not sufficient to proceed against the applicant Nos.1 and 2, there is no impediment in quashing and setting aside the First Information Report along with the chargesheet against the applicant Nos.1 and 2.

8. We, therefore, pass the following order :

First Information Report No.489 of 2019 registered with the non-applicant - Police Station Gittikhadan, Nagpur along with

the consequent criminal proceedings, bearing R.C.C. No.570 of 2020, pending before 15th Joint Civil Judge, Junior Division, and Judicial Magistrate First Class, Nagpur for the offences punishable under Sections 354(D) of the Indian Penal Code and Section 66(C) and 67 of the Information and Technology Act, 2000 against the applicant Nos.1 and 2 are quashed and set aside.

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

(AMIT B. BORKAR, J.)

(V.M. DESHPANDE, J.)