

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

CRIMINAL APPLICATION (APL) NO. 788 OF 2019

Anup S/o. Suresh Dixit,
Aged about 30 years,
Occupation : Private Service,
R/o. Jaiswal Colony, Math Mandir Road,
In front of Vinayak Kirana, Seoni,
District : Seoni, Police Station Seoni
(Madhya Pradesh).

.....**APPLICANT**

... **VERSUS** ...

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Ram Nagar,
Gondia, District : Gondia
(Maharashtra).
2. Sau. Nimisha W/o. Anup Dixit,
Aged about 26 years,
Occupation : Household,
R/o. Gajanan Colony, Gondia,
District : Gondia, Police Station,
Ram Nagar, Gondia (Maharashtra).....**NON-APPLICANTS**

Shri V. B. Gawali, Advocate for the Applicant.

Shri T. A. Mirza, Additional Public Prosecutor for the Non-applicant
No.1/State.

Shri P. R. Pande, Advocate for the Non-applicant No.2.

**CORAM : V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 13.08.2021.

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 applicant is challenging registration of the First Information Report No.168/2019 dated 12.06.2019 registered with the non-applicant no.1 - Police Station for the offences punishable under Sections 323 read with Section 34, 498-A and 504 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant with the accusations that the applicant physically and mentally harassed the non-applicant No.2 for non-payment of dowry. It is also stated that the applicant assaulted the non-applicant No.2. The non-applicant No.2 has therefore, filed present application challenging registration of the First Information Report.

5. This Court on 05.08.2019, issued notice to the non-applicant No.2. During pendency of the present proceedings, the non-applicant No.2 has filed affidavit dated 06.08.2021 stating that the applicant and the non-applicant No.2 have amicably decided to settle the matter and have decided to take divorce by mutual consent. It is also stated that the applicant and the non-applicant No.2 have filed Hindu Marriage Petition No.152/2021 with the Court of Civil Judge Senior Division, Gondia and have decided to withdraw all cases against each other.

6. Today, when the matter is called out, the applicant and the non-applicant No.2 are present. Both the parties stated before this Court that they have decided to withdraw the proceedings against each other and have applied for divorce by mutual consent.

7. Having carefully considered the allegation in the First Information Report, we are satisfied that the offences alleged against the applicant are personal in nature. The Hon'ble Supreme 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 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.

8. In view of the ratio laid down by the Hon'ble Supreme Court in the case of ***Madan Mohan Abbot (supra)*** and in view of settlement between the parties, we are satisfied that the First Information Report No.168/2019, dated 12.06.2019 registered

with the non-applicant No.1 – Police Station against the applicant for the offences punishable under Sections 323 read with Section 34, 498-A and 504 of the Indian Penal Code is quashed and set aside.

9. Rule is made absolute in the above terms.

10. In view of disposal of main application, pending Criminal Application (APPP) No.1308/2019 and Criminal Application (APPP) No.1345/2021, do not survive and both the applications stand disposed of accordingly.

JUDGE

JUDGE

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