

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

CRIMINAL WRIT PETITION NO.843 OF 2018

Smt. Kalpana Wd/o. Vinod Nagpure,
Aged about 58 years, Occ. Housewife,
R/o. Flat No.306, Hani Archana Apartments,
Above Axis Bank, Untakhana Road,
Medical Chowk, Nagpur.

....PETITIONER
(Ori. Accused No.2)

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1. State of Maharashtra,
Through Police Station Officer,
Police Station Bhandara,
Tah. & Distt. Bhandara.
2. Mrs. Rohini W/o. Ashish Nagpure,
Aged about 32 years, Occ. Business,
R/o. Shivaji Ward, Bank Colony,
Bhandara.

.... RESPONDENTS
(Ori. Complainant)

Shri A. A. Sambaray, Advocate for the Petitioner.
Shri S. M. Ghodeswar, A.P. P. for the Respondent No.1/State.
Shri Pramod Upadhyay, Advocate for the Respondent No.2.

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

DATE : 17.08.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.
2. Rule. Rule made returnable forthwith.
3. By this petition under Article 226 and 227 of the
Constitution of India read with Section 482 of the Code of Criminal

Procedure, the petitioner who is original accused No.2 is challenging continuation of Regular Criminal Case No.87/2018 arising out of Crime No.276/2018 registered with the respondent No.1 – Police Station for the offences under Sections 294, 323, 506, 498-A read with Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the husband of the respondent No.2 alleging that the husband of the respondent No.2 physically and mentally harassed the respondent No.2. The Investigating Agency after completion of the investigation filed charge-sheet against the petitioner and the husband of the respondent No.2.

5. During pendency of the present petition, the husband of the respondent No.2 and respondent No.2 have arrived at mutual settlement. The petitioner has produced on record copy of judgment in Marriage Petition No.F-393/2020 passed by the Family Court No.4, Nagpur dated 06.11.2020 thereby granted divorce as regards marriage of husband of respondent No.2 and respondent No.2. The respondent No.2 has filed Criminal Application (APPW) No.115/2020 to request quashment of Regular Criminal Case No.87/2018. Along with said application, the respondent No.2 has placed on record memorandum of understanding dated 31.10.2020 entered into between the respondent No.2 and her husband Ashish

Vinod Nagpure. Clause - N of the said memorandum of understanding contains an agreement between the husband of the respondent No.2 and the respondent No.2 that the respondent No.2 shall withdraw the First Information Report and criminal proceedings.

6. Today, when the matter is called out, the respondent No.2 is personally present. She has stated before the Court that she has settled the dispute between her husband and herself and therefore, she does not intend to prosecute the present petitioner and the husband of the respondent No.2 shall stated before the Court that she has decided to withdraw the criminal proceedings against her husband and the petitioner out of her own free will.

7. We have carefully considered the allegations in the First Information Report and the material in the form of charge-sheet. On careful perusal of the said material, it appears that the offences alleged against the petitioner and the husband of the respondent No.2 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 judgment of the Hon'ble Supreme Court in the case of ***Madan Mohan Abbot*** (*supra*), we pass the following order :

Regular Criminal Case No.87/2018 arising out of Crime No.276/2018 registered with the respondent No.1 – Police Station for the offences under Sections 294, 323, 506, 498-A read with Section 34 of the Indian Penal Code is quashed and set aside.

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

JUDGE

JUDGE