

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

CRIMINAL APPLICATION (APL) NO. 870/2018

- 1] **Shri Ashish S/o. Dnyaneshwar Gulhane,**
Aged about 31 years, Occ. Service,
R/o. Class-II, Building D/3, Power House Colony,
Sambhaji Nagar Lonikand,
Tq. Haveli, Dist. Pune
- 2] **Shri Dnyaneshwar S/o. Marotrao Gulhane,**
Aged about 68 years, Occ. Retired,
R/o. Sai Colony, Jointus Chowk Warud,
Tq. Warud, Dist. Amravati
- 3] **Sau. Shalini W/o. Dnyaneshwar Gulhane,**
Aged about 55 years, Occ. Housewife,
R/o. Sai Colony, Jointus Chowk Warud,
Tq. Warud, Dist. Amravati
- 4] **Sau. Manisha W/o. Prafull Kapile,**
Aged about 32 years, Occ. Service
R/o. Pearl Building 503, Crown City,
Near St. Lawrence School, Umbarde Road,
Adharwadi, Kalyan West 421301
- 5] **Ku. Jayshree D/o. Dnyaneshwar Gulhane,**
Aged about 27 years, Occ. Service,
R/o. Durvankur Bungalow, Sr. No. 30,
Plot No. 8, Shelar Mala (Near Utkarsha Society),
Katraj – Kondhwa Road, Katraj, Pune 411046

.... **APPLICANT(S)**

// VERSUS //

- 1] **The State of Maharashtra,**
Through Police Station Officer,
Police Station Rajapeth, Amravati,
Tq. & Dist. Amravati

- 2] **Sau. Pruthvi W/o Ashish Gulhane,**
R/o: C/o. Prafulla S. Dhole,
121/B, 'Shri-Echha' Gosawi Colony,
Near New Prabhat Colony,
Badnera Road, Amravati,
Tq. & Dist. Amravati

.... **NON-APPLICANT(S)**

Shri G.R. Sadar, Advocate for the applicant(s)
Ms. M. Deshmukh, APP for the non-applicant no.1
Ms. A. Sharma, Adv h/f Shri P.R. Agrawal, Adv for the non-applicant no.2

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : 01/02/2021

ORAL JUDGMENT : (PER:- AMIT B. BORKAR, J.)

- 1] Heard.

- 2] **RULE.** Rule made returnable forthwith.

- 3] This is an application under Section 482 of the Code of Criminal Procedure challenging registration of F.I.R. No. 582/2018 dated 11/08/2018 with the non-applicant no. 1 – Police Station for the offences punishable under Sections 498-A and 34 of the Indian Penal Code. The first information report came to be registered against the applicants with the accusations that the applicants physically and mentally harassed the non-applicant no. 2. The applicant no. 1 is the husband of the non applicant no. 2 and the applicant

nos. 2 to 5 are in-laws of the non-applicant no. 2. During the pendency of the present application, the applicant no. 1 and non-applicant no. 2 have arrived at settlement and have amicably resolved their matrimonial dispute. By way of Pursis dated 25/01/2021, the applicant no. 1 has placed on record the terms of settlement between the applicant no. 1 and non-applicant no. 2. It has been agreed by and between the applicant no. 1 and the non-applicant no. 2 that they will put an end to all the civil and criminal proceedings filed against each other which are pending before the Criminal and Civil Courts.

4] We have carefully considered the contents of the first information report. From the allegations in the first information report, it appears that the offences which are alleged against the applicants are personal in nature. We are therefore satisfied that continuation of the proceedings against the applicants would amount to abuse of process of the Court. In view of the judgement of the Hon'ble Supreme Court in the case of *Madan Mohan Abbot vs. State of Punjab* reported in (2008) 4 SCC 582, we are of the view that there is no impediment in quashing the first information report.

5] Hence, the following order is passed:-

First Information Report No. 582/2018 dated 11/08/2018 registered with the non-applicant no. 1 – Police Station for the offences punishable under Sections 498-A and 34 of the Indian Penal Code is quashed and set aside.

Rule is made absolute in the above terms.

JUDGE

JUDGE