

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

CRIMINAL APPLICATION (APL) NO. 1150 OF 2019

Pawan S/o. Ganesh Chouragade,
Aged 31 years, Occ.: Service,
R/o. Akolkhed, Tq. Akot, Dist. Akola
-444101, (Maharashtra),
Mob.No. 8482870370

... **APPLICANT**

...V E R S U S...

1. The State of Maharashtra through
Its Police Station Officer, Police
Station, Paratwada, Tq. Achalpur,
Dist. Amravati.
2. Sarika d/o. Ganesh Nitnaware,
Aged about 28 years, Occupation :
Housewife, R/o. Shivshakti Nagar,
Near Ambedkar Statute, Amravati. ... **NON-APPLICANTS**

Shri A. K. Madane, Advocate for the Applicant.
Shri T. A. Mirza, A.PP for the Non-applicant no. 1/State.
Shri S. G. Chakranarayan, Advocate for the Non-applicant no. 2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 18/03/2021.

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

1. Rule. Rule made returnable forthwith.
2. By this application under Section 482 of the Code
of Criminal Procedure, the applicant has challenged registration of
First Information Report No.40/2019 registered with the

non-applicant no.1 - Police Station for offences punishable under Sections 376 (2) (n), 417, 504 and 506 of the Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The First Information Report came to be registered with the accusations that there was love relationship between the applicant and the non-applicant no.2 from the year 2012. It is also alleged that on the promise of marriage, the applicant had sexual intercourse with the non-applicant no.2. It is also alleged that subsequently the applicant refused to marry with the non-applicant no.2 on the ground that the non-applicant no.2 belongs to backward class. Therefore, the non-applicant no.2 filed report with the non-applicant no.1 – Police Station.

4. The applicant has therefore, challenged registration of the First Information Report by filing present application. On 21.11.2019, this Court issued notice to the non-applicant no.2 and in the meantime directed not to file Charge-sheet against the applicant.

5. During pendency of present application, the applicant and the non-applicant no.2 have mutually resolved their dispute. The non-applicant no.2 has filed affidavit dated 8.3.2021 stating that the applicant and the non-applicant no.2 have resolved their dispute mutually and the non-applicant no.2 has no objection for quashing proceedings initiated against the applicant.

6. The Hon'ble 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 of a purely personal nature, the Court should ordinarily accept the terms of the 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 utilised in deciding more effective and meaningful litigation.

7. In view of the judgment of the Apex Court in the case of ***Madan Mohan Abbot Vs. State of Punjab (supra)***, we are satisfied that there is no impediment in quashing the First

Information Report against the applicant. We, therefore, pass the following order:

ORDER

First Information Report No.40/2019 registered with the non-applicant no.1 - Police Station for offences punishable under Sections 376(2) (n), 417, 504 and 506 of the Indian Penal Code and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are quashed and set aside.

Rule is made absolute in the aforesaid terms.

JUDGE

JUDGE

Ambulkar