

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

CRIMINAL APPLICATION (APL) NO.933/2018
WITH
CRIMINAL APPLICATION (APL) NO.284/2020

CRIMINAL APPLICATION (APL) NO.933/2018

1. Anilkumar S/o. Vithoda Jaybhaye,
Age – 39 years, Occupation – Service,
R/o. Little Heart, in front of Saidham,
Tq. & Dist. Latur.
2. Sow. Mayuri W/o. Anilkumar Jaybhaye,
Age – 38 years, Occupation – Education,
R/o. N-604, Topaz Park, Park Street,
Phase-II, Sr. No.210, Wakad Pune.
3. Yogesh Motiram Ghuge,
Age – 21 years, Occupation – Education,
R/o. Bramhanwada, Post. Marsul,
Tq. Malegaon, Dist. Washim.
4. Ganga Shankar Ugalmugle,
Age – 28 years, Occupation – Household,
R/o. Ridhora, Post. Rajura,
Tq. Malegaon, Dist. Washim.

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1. The State of Maharashtra,
Through Police Inspector,
Andhera Police Station,
Dist. Buldhana.

(Copy to be served on A.P.P.
High Court Bench at Nagpur)

2. Dipali Shyam Ghuge,
Age – 27 years, Occu. - Household,
R/o. C/o. Samadhan Kedar,
Gunjala, Tq. Chikhali,
Dist. Buldhana.

... NON-APPLICANTS.

[Res.No.2 Org.informant]

WITH**CRIMINAL APPLICATION (APL) NO.284/2020**

1. Shyam Ganpat Ghuge,
Aged about 30 years, Occupation – Farming.
2. Ganpatrao Anandrao Ghughe,
Aged about 52 years, Occupation – Farming.
3. Chandrabhaga Ganpatrao Ghughe,
Aged about 47 years, Occupation – Farming.
4. Vijay Ganpatrao Ghughe,
Aged about 28 years, Occupation – Farming.
5. Motiram Anandrao Ghughe,
Aged about 58 years, Occupation – Farming.
6. Lakshmi Motiram Ghughe,
Aged about 48 years, Occupation – Farming,
All resident of Bhramanwada, Post – Marsul,
Tal.- Malegaon, Dist. - Washim. ... **APPLICANTS.**

----- VERSUS -----

1. State of Maharashtra,
Through Police Station Officer,
Andhera, Tah. & Dist. - Buldhana.
2. Sau. Deepali W/o. Shyam alias Gajanan Ghuge,
Aged about 28 years, Occupation – Household,
Resident of Gunjala, Tah.-Chikli,
Dist. - Buldhana. ... **NON-APPLICANTS.**

In Criminal Application (APL) No.933/2018

Mr. Rishabh Khemuka, Advocate h/f. Mr. N. R. Tekade, Advocate for the Applicants.
Mr. S. M. Ghodeswar, A.P.P. for the Non-applicant/State.
Ms B. V. Reddy, Advocate h/f Mr. V. H. Kedar, Advocate for the Non-applicant No.2.

In Criminal Application (APL) No.284/2020

Mr. Akshay Joshi, Advocate for the Applicants.
Mr. S. M. Ghodeswar, A.P.P. for the Non-applicant/State.

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

DATE : 06.10.2021.

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

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. Since both applications arise out of same First Information Report and the subject matter of both the applications is same, both are being disposed of by common judgment.

4. The applicants by way of present applications are challenging registration of the First Information Report No.270/2018 registered with Andhera Police Station, Dist. Buldhana for the offences under Sections 498-A, 343, 504, 506 read with Section 34 of the Indian Penal Code.

5. The First Information Report came to be registered against the applicants with the accusations that the marriage between the non-applicant No.2 and applicant No.1 in Criminal Application (APL) No.284/2020 was performed on 04.05.2017. It is alleged that after marriage, the applicants treated the non-applicant No.2 with physical and mental cruelty. The non-applicant No.2 therefore, filed the First Information Report against the applicants.

6. The applicants have therefore filed Criminal Application (APL) No. 933/2018. This Court on 29.10.2018 issued notice to the non-applicants and in the meantime, it was directed that charge-sheet shall not be filed. The Investigating Agency has filed reply stating that the Investigating Officer has recorded statements of the witnesses which support the case of the non-applicant No.2.

7. During pendency of the investigation, remaining accused filed Criminal Application (APL) No.284/2020 stating that parties to the application have resolved their dispute.

8. Today, the non-applicant No.2 is present in the Court. She stated before the Court that she is giving her consent for quashing the proceedings against the applicants without any duress and out of free-will.

9. We have carefully considered the allegations in the First Information Report and we are satisfied that the offences alleged against the applicants in both the applications are personal in nature.

10. 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, 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.

11. In view of the settlement arrived at between the applicants and the non-applicant No.2, there is no impediment in quashing the First Information Report registered against the applicants.

12. We, therefore, pass following order :

- i. The Criminal Application (APL) Nos. 933/2018 and 284/2020 are allowed.
- ii. The First Information Report No.270/2018 registered on dated 22.08.2018 against the applicants in both the applications registered with the non-applicant No.1 - Police Station for the offences under Sections 498-A, 343, 504, 506 read with Section 34 of the Indian Penal Code is quashed and set aside.

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

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