

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

CRIMINAL APPLICATION (APL) NO. 1282 OF 2019

1. Abdul Aziz Shaikh Habib,
Aged 45 years, Occ. : Business,
2. Nyajubi Wd/o. Sk. Habib,
Aged 63 years, Occ.: Household,
Both R/o. Manzoorpura, Achalpur,
Tq. Achalpur, Distrit : Amravati.**APPLICANTS**

... **VERSUS** ...

1. State of Maharashtra, through
P S. O. Sarmaspura, Tq. Achalpur,
District : Amravati.
2. Khalidabi Sk. Rauf,
Aged 42 years, Occ. Household,
R/o. Manzoorpura, Achalpur,
Tq. Achalpur, District : Amravati.**NON-APPLICANTS**

Shri C. A. Babrekar, Advocate for Applicants.

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

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

DATE : 12.07.2021.

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 applicants have challenged registration of the First Information Report No.126/2019 dated 02.11.2019

registered with the non-applicant no.1 - Police Station for the offences punishable under Sections 376, 354, 506, 294 read with Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicants with the accusations that the applicants along with other family members physically and mentally harassed the non-applicant No.2. It is also alleged that the non-applicant No.2 was harassed on the ground of non-payment of dowry.

5. The applicants have therefore challenged registration of the First Information Report by way of filing present application. This Court on 05.12.2019, issued notice to the non-applicants.

6. The non-applicant no.1 in pursuance of the said notice has filed reply stating that the Investigating Agency has recorded statements of victim as well as witnesses. It is stated that there is sufficient material available with the Investigating Agency to show that the offence mentioned in the First Information Report is clearly made out.

7. During pendency of the present application, the applicants and the non-applicant No.2 have arrived at mutual settlement. The non-applicant No.2 along with applicants have filed joint application for setting aside the First Information Report register against the applicants. It is stated that since the

applicants and the non-applicant No.2 are family members, they have amicably resolved their dispute and as per the settlement, the applicants and the non-applicant No.2 have decided to withdraw all proceedings instituted against each other. It is stated that in view of the compromise between the applicants and the non-applicant No.2, present application deserves to be allowed.

8. We have carefully considered the allegations in the First Information Report. The allegations against the applicants are personal in nature. 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 originally accept the terms of compromise even in criminal proceeding as keeping the matter alive with no possibility in favour of the prosecution is a luxury which Courts, grossly overburdened, as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.

In view of above, there is no impediment in quashing the First Information Report against the applicants.

9. We, therefore, pass the following order :

The First Information Report No. 126/2019 dated 02.11.2019 registered with the non-applicant no.1 - Police Station against the applicants for the offences punishable under Sections 376, 354, 506, 294 read with Section 34 of the Indian Penal Code is quashed and set aside.

Rule is made absolute in the aforesaid terms.

CRIMINAL APPLICATION (APPP) No.1032/2021.

In view of disposal of main application, Criminal Application (APPP) No.1032/2021 for quashing of First Information Report as per compromise between applicants and respondent No.2 does not survive.

Hence, it is disposed of accordingly.

JUDGE

JUDGE