

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

CRIMINAL APPLICATION (APL) NO. 1331 OF 2019

1. Mahendrasingh S/o. Raghuveer Singh Chauhan
Aged 34 Years, Occ. Private.
2. Damyanti W/o. Raghuveer Singh Chauhan
Aged 55 Years, Occ. Household.
3. Niranjansingh S/o. Raghuveer Singh Chauhan,
Aged 31 Years, Occ. Private.
4. Smt. Varidhi W/o. Niranjansingh Chauhan,
Aged 29 Years, Occ. Household.
5. Smt. Vijeta W/o. Vijay Singh Solanki,
Aged 35 Years, Occ. Service,

All R/o. Plot No. B/28, Shrinath Sai Nagar,
Omkar Nagar, Manewada Road, Nagpur.

...APPLICANTS

-----VERSUS-----

1. State Of Maharashtra,
Through Police Station, Mankapur,
Nagpur.
2. Mrs. Anupama Singh Chauhan W/o.
Mahendrasingh Chauhan,
Aged 31 Years, Occ. Household,
R/o. Plot No.2C, Triplex No.2,
Hind Swami Samarth Colony,
Near Swami Samarth Mandir,
Zingabai Takli, Nagpur.

...NON-APPLICANTS

Shri S. I. Khan, Advocate for the Applicants.

Shri V. A. Thakare, Additional Public Prosecutor for the Non-applicant No.1.

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

DATE : 08.09.2021.

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 are challenging registration of the First Information Report No.138/2016 dated 25.08.2016 registered with the non-applicant No.1 – Police Station and Charge-Sheet bearing No.60/2017 dated 22.06.2017 filed before the Additional Chief Judicial Magistrate, Nagpur for the offences punishable under Sections 498-A, 377, 406 read with 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.
4. 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 on the ground of non-payment of dowry. The Investigating Agency carried out the investigation and filed Charge-Sheet against the applicants.
5. The applicants have therefore, challenged registration of the First Information Report and Charge-Sheet filed against the applicants by way of the present application. This Court on

18.12.2019 issued notice to the non-applicants. The non-applicant No.1 has filed reply contesting the application.

6. During the pendency of the present application, the applicants and the non-applicant No.2 have decided to mutually resolve their dispute and have filed joint affidavit dated 23.08.2021. In the joint affidavit, the applicant No.1 and the non-applicant No.2 have stated that they have amicably resolved their dispute and no purpose will be served by continuing with the criminal proceeding and therefore, have jointly prayed for quashing the First Information Report and Charge-Sheet against the applicants.

7. Today, the non-applicant No.2 is personally present in the Court. Since the Advocate for the non-applicant No.2 was absent, the non-applicant No.2 produced on record her passport bearing No. P4228331. On the basis of the passport, she has identified herself to be the non-applicant No.2. She stated before the Court that she has no objection for quashing and setting aside the First Information Report and Charge-Sheet filed against the applicants. She also stated that she is withdrawing the prosecution voluntarily and without any pressure or coercion on her.

8. We have carefully considered the allegations in the First Information Report and material in the form of Charge-Sheet.

After carefully scrutinizing the material on record, we are satisfied that the allegations against the applicants 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.

9. In view of the amicable settlement of dispute between the applicant No.1 and the non-applicant No.2, there is no impediment for quashing the First Information Report and Charge-Sheet against the applicants.

10. We therefore, pass the following order :

The First Information Report No.138/2016 dated 25.08.2016 registered with the non-applicant No.1 – Police Station and Charge-Sheet bearing No.60/2017 dated 22.06.2017 filed before the Additional Chief Judicial Magistrate, Nagpur for the offences punishable under Sections 498-A, 377, 406 read with 34

of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 are quashed and set aside.

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

JUDGE

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