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

CRIMINAL APPLICATION (APL) NO.238 OF 2021

1. Shri Sanjay Nandkishore Jaiswal,
Aged about 32 years, occupation business.

2. Shri Nandkishore Bhaiyyalal Jaiswal,
Aged about 70 years, occupation business.

3. Smt.Saroj Nandkishore Jaiswal, aged
about 55 years, occupation Nil.

4. Smt.Savita Nitin Jaiswal, aged about
45 years, occupation Nil.

All applicant Nos.1 to 4, r/o Fruit
Market, Sharda Chowk, Yavatmal, taluka
District Yavatmal.

..... **Applicants.**

:: VERSUS ::

1. State of Maharashtra, through
Police Station Officer, Police
Station Wadgaon Road, Yavatmal,
Taluka and District Yavatmal.

2. Smt.Nisha Sanjay Jaiswal, aged
about 24 years, occupation housewife,
r/o plot No.06, Jai Durga Nagar,
Zingabai Takli, Godhani Road,
Nagpur, Taluka and district Nagpur.

Non-applicants..

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Shri C.J.Dhumane, Counsel for Applicants.

Shri M.V.Rai, Counsel for Non-applicant No.2.

Shri S.M.Ghodeswar, Additional Public Prosecutor for the State.

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

DATE : MAY 02, 2022

ORAL JUDGMENT (Per : Amit B.Borkar, J.)

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1. Heard learned counsel Shri C.J.Dhumane for applicants, learned counsel Shri M.V.Rai for non-applicant No.2, and learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsel for respective parties.

2. By this application, under Section 482 of the Code of Criminal Procedure, applicants challenge registration of First Information Report No.805/2016 registered with Wadgaon Road Police Station, Yavatmal for offences punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code and consequent proceeding bearing Regular Criminal Case No.304/2017 pending before learned 6th Judicial Magistrate First Class at Yavatmal.

3. Non-applicant No.2 lodged the First Information Report against applicants with allegations that applicants mentally and physically harassed and assaulted her.

4. After completion of investigation into the crime, investigation agency filed chargesheet against applicants. During pendency of proceedings before learned Magistrate, applicants and non-applicant No.2 have amicably resolved their dispute between them.

5. This Court is informed that the Family Court at Yavatmal

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has granted decree of divorce under provisions of the Hindu Marriage Act. It is also informed that parties have withdrawn their proceedings under the provisions of the Domestic Violence Act.

6. Non-applicant No.2 has filed an affidavit stating in it that dispute between her and applicants has been resolved amicably on 27.2.2020 before learned Mediator, Mediation Centre, Family Court at Yavatmal and they have arrived at an agreement on 12.2.2021. As such, she has no objection if First Information Report lodged against applicants by her is quashed.

7. Having carefully gone through contents of the application and allegations levelled against applicants in the First Information Report, we are satisfied that allegations levelled against applicants are personal in nature. The Honourable Apex Court in the case of **Madan Mohan Abbot ..vs.. State of Punjab**, reported at **(2008)4 SCC 582** has taken a view that when allegations are personal in nature, it is advisable to quash proceedings so that time in such cases can be utilized for more deserving cases.

8. In such view of the matter and in view of fact that nature of offences being personal in nature, there is no impediment in quashing of the First Information Report lodged against applicants by non-

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applicant No.2. We, therefore, pass following order:

ORDER

(1) The criminal application is allowed.

(2) First Information Report No.805/2016 registered with Wadgaon Road Police Station, Yavatmal for offences punishable under Section 498-A and 323 read with Section 34 of the Indian Penal Code and consequent proceeding bearing Regular Criminal Case No.304/2017 pending before learned 6th Judicial Magistrate First Class at Yavatmal are hereby quashed.

Rule is made absolute in aforesaid terms.

JUDGE

JUDGE

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