

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

CRIMINAL APPLICATION (APL) NO. 589 OF 2022

1. Juned S/o. Yunus Bera,
Aged about : 32 Years,
Occupation : Business,
R/o. Tanushree Photo Studio,
Main Road, Sindi Railway, Tahsil : Selu,
District Wardha.
2. Yunus S/o. Sattar Bera,
Aged about : 62 Years,
Occupation : Business,
R/o.: Tanushree Photo Studio, Main Road,
Sindi Railway, Tahsil : Selu,
District Wardha.
3. Parveen W/o. Yunus Bera,
Aged about : 52 Years,
Occupation : Housewife,
R/o. : Tanushree Photo Studio, Main Road,
Sindi Railway, Tahsil : Selu,
District Wardha.
4. Jainab D/o. Yunus Bera,
Aged about : 30 Years,
Occupation : Business,
R/o. Tanushree Photo Studio, Main Road,
Sindi Railway, Tahsil : Selu,
District Wardha.

--APPLICANTS

---VERSUS---

1. State of Maharashtra through
Police Station Officer, Police Station,
Shantinagar Nagpur City, Tahsil : Nagpur,
District – Nagpur.
2. Smt. Bushra W/o. Juned Bera,
Aged about : 26 years,
Occupation : House wife,
R/o. Raj Paradise Flat No.303,
Shanti Nagar, Nagpur - 440002.

--NON-APPLICANTS

Ms Sakshi P Agrawal, Advocate for the Applicants.
Mr. T. A. Mirza, A.P P for the Non-applicant/State.
Adv. R. S. Gupta for Non-applicant No.2.

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

DATE : 27.04.2022.

ORAL JUDGMENT : (PER - AMIT BORKAR, J.)

1. Heard.
2. **Rule.** Rule 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 bearing No.328/2020 registered with the non-applicant No.1 – Police Station, consequent charge sheet and proceedings bearing R.C.C.No.597/2021 pending before the 13th Jt. Judicial Magistrate First Class, Court No.5, Nagpur.
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 and also assaulted her. The Investigating Agency after completion of the investigation filed charge sheet against the applicants.
5. During the pendency of the present application, the applicant No.1 and the non-applicant No.2 have arrived at mutual

settlement and accordingly, the Family Court No.3, Nagpur has passed decree for divorce in petition bearing No. A-609/2019 dated 05.03.2022.

6. The applicants have therefore challenged the pendency of the proceedings by way of filing present application.

7. Today, the applicant No.1 and the non-applicant No.2 are present in the Court. The non-applicant No.2 has stated that in view of clause – 7 in the Terms of Settlement, which are at Annexure – A5 of the present application, she has decided to give her no objection for quashing the proceedings against the applicants. She stated that since the applicant No.1 has agreed that the custody of their son Armaan shall remain with the non-applicant No.2, she has no objection for quashing the proceedings against the applicants.

8. We have carefully considered the allegations in the First Information Report along with the material in the form of charge sheet, and we are satisfied that the proceedings arose out of the matrimonial proceedings.

9. 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.

10. In view of the amicable resolution of dispute between the applicants and the non-applicant No.2 there is no impediment in quashing the First Information Report and proceedings against the applicants.

11. We therefore, pass following order :

Rule is made absolute in terms of prayer clause – (A), which reads as under :

“Kindly quash F.I.R. of the non-applicant no.2 registered vide crime no. 0328 of 2020 dated 14th July 2020 and Charge sheet filed by the non-applicant no.1 dated 14th July 2020, pending before Hon’ble 13th Judicial Magistrate First Class, Court No.5 at Nagpur in Registered Criminal Case No. 597 of 2021 (at ANNEXURE-A1).”

Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE