

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

CRIMINAL APPLICATION (APL) NO. 658 OF 2022

1. Shailendra s/o. Shridhar Pendam,
Age : 35 years, Occ. : Business.
2. Shridhar s/o. Dhodbaji Pendam,
Aged about 64 years, Occ. Retired.
3. Pramila w/o. Shridhar Pendam,
Aged about 55 years, Occ. Household,
All 1 to 3 R/o. Plot No.111, Nagsen Nagar, --**APPLICANTS**
Bhim Chowk Jaripatka, Nagpur. (Accused)

---VERSUS---

1. State of Maharashtra through
Police Station Officer, Police Station,
Jaripatka, Nagpur.
2. Sau. Manisha w/o. Shailendra Pendam,
Age : 28 years, Occ. : Housewife,
R/o. C/o. Raju Shyamrao Dhurve,
Plot No.15, Saudamani Society, Sita Lawn, --**NON-APPLICANTS**
Anand Nagar, Jaytala Road, Nagpur. (Ori. Comp.)

Mr. Pushkar A. Deshpande, Advocate for the Applicants.
Mr. S. S. Doifode, A.P P for the Non-applicant/State.
Mr. Abhishek Shukla, Advocate for Non-applicant No.2.

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

DATE : 04.05.2022.

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.584/2018 dated 01.06.2018 along with charge sheet and Regular Criminal Case No. 515/2021 pending before the learned Judicial Magistrate First Class, Nagpur.

4. The First Information Report came to be registered against the applicants with the accusations that the applicants physically and mentally harassed and assaulted the non-applicant No.2 on the ground of non-payment of dowry. The Investigating Agency after completion of the investigation filed charge sheet against the applicants.

5. During the pendency of the proceedings, the applicants and the non-applicant No.2 have resolved to settle their dispute and they have therefore filed the present application for quashing the proceedings against the applicants.

6. Today, the non-applicant No.2 is present in the Court and stated that the dispute between the non-applicant No.2 and the applicants has been mutually resolved and she has received demand draft dated 12.04.2022 of Rs.8,00,000/-. The non-applicant No.2 has filed written submissions sworn by her

stating that she has no objection for quashing the proceedings against the applicants.

7. We have carefully considered the allegations in the First Information Report and the material in the form of charge sheet, and we are satisfied that the registration of the offences against the applicants arose out of the matrimonial proceedings.

8. 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.

9. 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.

10. We therefore, pass following order :

Rule is made absolute in terms of prayer clause – (1), which reads as under :

“Quash and set aside Charge Sheet/final report dated 22/01/2021 bearing no.18/2021 submitted in pursuance to F.I.R. No.584/2018 dated 01/06/2018 annexed at ANNEXUE ‘1’ and also quash proceedings initiated and pending in pursuance to above chargesheet bearing regular criminal case no.515/2021 pending before learned 10th Joint Civil Judge Junior Division, and Judicial Magistrate First Class, at Nagpur, in the interest of justice.”

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

JUDGE

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