

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

CRIMINAL APPLICATION (APL) NO.808/2021

1. Rohit Bhojraj Nagdeve,
Age 34 years, Occ.: Service,
R/o. Presently residing at 'USHA' Building,
Lashkaribagh, Hardas Nagar – 17.

Amended as per
Hon'ble Court's order
dated 08.03.2022

- 1A Sharda Bhojraj Nagdeve,
Age 67 years, Occ. : Housewife.

- 1B Shiddanth Avinash Sakhre,
Age 26 years, Occ.: Student,
Both R/o. : 'USHA' Building,
Lashkaribagh, Hardas Nagar – 17,
Nagpur.

- 1C Deepak Harishchandra Sakhre,
Age 62 years, Occ. : Retired,
R/o. Plot No.515, Usha Typing Institute,
Indora Chowk, Jaripatka – 14.

... APPLICANTS

-----VERSUS-----

1. State of Maharashtra
Through P. S.O. Jaripatka,
Tah. & District : Nagpur.

2. Mrs. Puja Rohit Nagdeve,
Aged about 34 years, Occ.: Service,
R/o. Plot No.126, Missal Layout,
Galli No.06, Jaripatka,
Tah. & District Nagpur.

3. Regional Passport Officer,
Passport Office, Nagpur.

... NON-APPLICANTS

Dr. Mrs. R. S. Sirpurkar, Advocate for the Applicants.

Mr. S.M. Ghodeswar, A.PP for the Non-applicant/State.

Mr. Sumedh Kadam Adv. h/f. Mr. R.R. Vyas, Adv. for the Non-applicant No.2.

Mr. S.A.Chaudhari, Advocate for Non-applicant No.3.

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

DATE : 08.03.2022.

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 applicant (husband) is challenging registration of First Information Report No.533/2018 dated 16.05.2018 and consequent charge-sheet bearing No.360/2018 dated 12.12.2018 registered with non-applicant No.1 - Police Station against the applicants for the offences punishable under Sections 498A, 323, 504 of the Indian Penal Code.
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 for non-payment of dowry and used to assault her under the influence of liquor.
5. The investigating agency after completion of the investigation filed charge-sheet against the applicants.

6. The applicant (husband) has therefore, challenged registration of the First Information Report along with charge-sheet by way of filing the present application. This Court on 20.08.2021 issued notice to the non-applicants. During pendency of the present application, the non-applicant No.2 and applicant No.1 (husband) have resolved their dispute by way of settlement deed dated 16.02.2022 which has been produced on record. Under the terms of settlement, the applicant No.1 has agreed to pay an amount of Rs.10,00,000/- as stated in paragraph No.4.

7. Today, the applicant No.1 and the non-applicant No. 2 are present in the Court. The non-applicant No.2 stated before the Court that they have decided to amicably resolve their dispute and convert their proceedings under Section 13(1) of the Hindu Marriage Act, 1955 into proceedings under Section 13B of the Hindu Marriage Act, 1955 for divorce by mutual consent. She stated before the Court that she has no objection to quash the proceedings against the applicants.

8. We have carefully scrutinized the material in the form of charge-sheet against the applicants and we are satisfied that the offence alleged against the applicants are personal in nature.

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 proceedings against the applicants.

11. We, therefore, pass following order :

- i. The Criminal Application is allowed.
- ii. The First Information Report No. 533/2018 dated 16.05.2018, consequent charge-sheet bearing No.360/2018 dated 12.12.2018 registered with the non-applicant No.1 - Police Station against the applicants for the offences punishable under Sections 498A, 323, 504 of the Indian Penal Code and the proceedings filed in the Court of Judicial

Magistrate First Class, Nagpur bearing R.C.C.

No.4366/2018 are quashed and set aside.

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

JUDGE

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