

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

CRIMINAL APPLICATION (APL) NO.549/2019

1. Gajanan S/o. Manoharrao Jawalkar,
Aged 35 years, Occ. : Service.
2. Manohar S/o. Suryabhanji Jawalkar,
Aged 60 years, Occ.: Retired.
3. Sau. Pushpa W/o. Manohar Jawalkar,
Aged 55 years, Occ.: Housewife,

All are R/o. Shivaji Colony, Ward No.3,
Near Sai Baba Mangal Karyalay,
Pulgaon, Tq. Dewali, Dist. : Wardha.

4. Yogiraj S/o. Suryabhan Mohod,
Aged 40 years, Occ. : Service.
5. Sau. Pranita W/o. Yogiraj Mohod,
Aged 34 years, Occ. : Household.

R/o. Pushkarna Nagar, Near Adarsha
Collage, Dhamangaon Rly., Tq.
Dhamangaon Rly, Dist. Amravati.

... **APPLICANTS**

-----VERSUS-----

1. The State of Maharashtra,
Through Police Station Officer,
Pulgaon, Tq. Pulgaon, Dist. : Wardha.
2. Sau. Akansha w/o. Gajanan Jawalkar,
Aged 26 years, Occ. : Housewife,
C/o. Shri. Ashokraoji Umak,
R/o. Urvashi Nagar, Near Ganpati
Mandir, Kathora Road, Amravati, Tq.
and Dist. Amravati.

... **NON-APPLICANTS**

Mr. S. S. Shingane, Advocate for the Applicants.
 Mr. M. K. Pathan, A.PP for the Non-applicant/State.
 Ms. Deepali Sapkal, Advocate for the Non-applicant No.2.

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

DATE : 17.03.2022.

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 No.1 who is husband and applicant Nos. 2 to 5, who are in-laws of the non-applicant No.2 are challenging registration of First Information Report bearing No.405/2018 registered with the non-applicant No.1 - Police Station for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicants with the allegations that the applicants caused physical and mental harassment to the non-applicant No.2 on the ground of non-payment of dowry.

5. The applicants have therefore, challenged registration of the First Information Report by way of filing present application. This Court on 25.06.2019 issued notice to the non-applicants. The Investigating Agency has filed reply dated 22.07.2019 stating that by inadvertence, charge-sheet came to be filed against the

applicants in spite of restrain order by this Court and they had no intention to defy order of this Court.

6. During pendency of the present application, the applicants have filed Criminal Application (APPP) No.1800/2019 for challenging charge-sheet filed against the applicants. The said application has been allowed by separate order passed by today.

7. The non-applicant No.2 is present today and has stated by way of filing affidavit in reply dated 18.02.2022 that she wants to withdraw all the allegations made by her in the First Information Report No.405/2018 and she has no objection for quashing and setting aside the charge-sheet filed against the applicants as they have decided to file mutual divorce petition under Section 13B of the Hindu Marriage Act, 1955.

8. 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 offences 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 First Information Report registered against the applicants.

11. We, therefore, pass following order :

- i. The Criminal Application is allowed.
- ii. The First Information Report No. 405/2018 dated 25.04.2018 registered with the non-applicant No.1 - Police Station against the applicants along with charge-sheet bearing No.120/2019 filed before the Judicial Magistrate First Class, Pulgaon for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code are quashed and set aside.

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