

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

CRIMINAL APPLICATION (APL) NO. 1287 OF 2021

1. Tushar Bhanudas Bharambe,
Age : 35 years, Occ : Service,
R/o Plot No.8 Kasturi Nagar,
Jamner Road, Bhusawal,
Tal-Bhusawal, Dist-Jalgaon.
2. Bhanudas Premchand Bharambe,
Age : 65 years, Occ: Retired,
R/o Plot No.8 Kasturi Nagar,
Jamner Road, Bhusawal,
Tal-Bhusawal, Dist-Jalgaon.
3. Minakshi Bhanudas Bharambe,
Age : 60 years, Occ: Household,
R/o Plot No.8 Kasturi Nagar,
Jamner Road, Bhusawal,
Tal-Bhusawal, Dist-Jalgaon.
4. Aparna Bhanudas Bharambe,
Age : 28 years, Occ: Household,
R/o Plot No.8 Kasturi Nagar,
Jamner Road, Bhusawal,
Tal-Bhusawal, Dist-Jalgaon.

... **APPLICANTS**
(Ori. Accused)

V E R S U S

1. The State of Maharashtra,
Through Police Station,
Buldhana City, Tal & Dist Buldhana.
2. Pratiksha Tushar Bharambe,
Age : 29 years, Occ : Service,
R/o Through Dnyandev Vishvnath
Kharche Tulsinagar, Kalevahe Layout
Sagwan area, Buldhana,
Tal and Dist Buldhana.

... **NON-APPLICANTS**

Shri M. V. Bhamre, Advocate for applicants.

Mrs. Mayuri Deshmukh, Additional Public Prosecutor for non-applicant No.1.

Shri Gajendra Gujar, Advocate for non-applicant No.2.

CORAM : V. M. DESHPANDE AND
G. A. SANAP, JJ.

DATED : 12/01/2022

ORAL JUDGMENT : (PER V. M. DESHPANDE, J.)

1. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

2. Heard Shri M. V. Bhamre, learned counsel for the applicants, Mrs. Mayuri Deshmukh, learned Additional Public Prosecutor for non-applicant No.1-State and Shri Gajendra Gujar, learned counsel for non-applicant No.2.

3. The present proceedings under Section 482 of the Code of Criminal Procedure are filed by the applicants for following relief:-

"a) Allow the present application and quash and set aside the Final Report No.232/2021 arising out of FIR No.185/2019 (Annexure-A) and the

consequent proceedings, arising thereof and registered as Regular Criminal Case No.688/2021 for the offences punishable u/s 498A, 323, 504, 506 and 34 of Indian Penal Code, 1860 before the 1st Chief Judicial Magistrate, Buldhana, District: Buldhana against the applicants."

4. The First Information Report was lodged by non-applicant No.2 with Police Station, Buldhana City on 05/04/2021. Since the report was disclosing commission of cognizable offence, a crime was registered against the applicants in the said Police Station for the offence punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code. The Investigating Officer, thereafter completed investigation and filed charge sheet before the Court of Law. After filing of the charge sheet, the criminal case is registered in the Court of 1st Chief Judicial Magistrate, First Class, Buldhana vide Regular Criminal Case No.688/2021.

5. The applicants are the husband, father-in-law, mother-in-law and sister-in-law of non-applicant No.2.

6. The notices on this application were issued by this Court (Coram : M. S. Sonak and Pushpa V. Ganediwala, JJ) on 03/12/2021. In pursuant to the notice, non-applicant No.2 appeared through her Advocate and has filed the reply in this proceeding. As per the case of the applicants and as per reply filed on behalf of non-applicant No.2, the marriage between the applicant No.1 and non-applicant No.2 was solemnized on 10/07/2019. Reply would show that both applicant No.1 and non-applicant No.2 are highly qualified persons inasmuch as they are IT Engineers. The reply would show that after few months of their marriage, some discord started in their matrimonial life resulting into the filing of the complaint against the applicants at her behest.

7. As per reply due to intervention of the elderly persons from both the families, applicant No.1 and non-applicant No.2 decided to bury their dispute and decided to have golden shake hand in between them and accordingly, they filed the proceedings for mutual divorce vide H.M.P No.163/2021 which is pending in the Court of Civil Judge, Senior Division, Buldhana.

8. According to reply, the original complainant / wife submits that in order to lead future life peacefully, she decided to compromise the matter with the applicants.

9. The question is not in res integra in view of authoritative pronouncement given by the Hon'ble Apex Court in the case of Madan Mohan Abbot Vrs. State of Punjab, reported in (2008) 4 SCC 582. In this case, the Hon'ble Apex Court has ruled that when the dispute is personal in nature and the parties want to compromise the matter, in that event, such compromise is accepted because the time can be saved and saved time of the Court can be utilized for deciding more effective and meaningful litigations. In view of pronouncement of the Hon'ble Apex Court and looking to the reply filed on behalf of non-applicant No.2, we pass the following order :-

ORDER

- i] The application is allowed.
- ii] The First Information Report No.232/2021 registered with Police Station, Buldhana for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code,

1860 together with the charge sheet and Regular Criminal Case No.688/2021 pending on the file of learned 1st Chief Judicial Magistrate, First Class, Buldhana are quashed and set aside.

Rule is made absolute. No costs.

(G. A. SANAP, J.)

(V. M. DESHPANDE, J.)

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