

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

CRIMINAL APPLICATION (APL) NO.847/2018

1. Pranay S/o. Rajendraprasad Jaiswal,
Aged about 31 years,
Occupation : Unemployed.
2. Rajendraprasad S/o. Guruprasad Jaiswal,
Aged about 62 years,
Occupation : Retired.
3. Priyanka D/o. Rajendraprasad Jaiswal,
Aged about 29 years,
Occupation : Household.
4. Smt. Mala W/o. Rajendraprasad Jaiswal,
Aged about 62 years,
Occupation : Household

All R/o. 66, New Bhagat Singh Marg,
Malganj Square, Indore (Madhya Pradesh). ... **APPLICANTS**

-----VERSUS-----

1. State of Maharashtra
Through Police Station Officer,
Police Station Ramnagar, Gondia,
District – Gondia.
2. Sau. Priti W/o. Pranay Jaiswal,
Aged about 29 years,
Occupation : Service,
R/o. C/o. Shitala Prasad Shahu,
Behind Kali Mandir, Ramnagar, Gondia,
District Gondia. ... **NON-APPLICANTS.**

Mr. R. M. Patwardhan, Advocate for the Applicants.
Mr. S. S. Doifode, A.P.P for the Non-applicant/State.
Mrs. Deepa I. Charlewar, Advocate for the Non-applicant No.2.

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

DATE : 03.03.2022.

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 applicants are challenging registration of First Information Report No.130/2018 dated 19.05.2018 registered with non-applicant No.1 - Police Station against the applicants for the offences punishable under Sections 498A, 506 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 treated non-applicant No.2 with physical and mental cruelty resulting into miscarriage of the non-applicant No.2. It is alleged that in spite of efforts on the part of the non-applicant No.2 to settle the dispute with the applicants, the harassment continued and therefore, the non-applicant No.2 was constrained to file the First Information Report against the applicants.

5. The applicants have therefore, challenged registration of the First Information Report by way of filing present application. This Court on 03.10.2018 issued notice to the non-applicants.

6. During pendency of the present application, the parties have resolved their dispute. The non-applicant No.2 has filed her affidavit dated 26.02.2022, wherein it is stated that the parties have resolved their dispute and decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 was passed on 17.01.2022. It is also stated that the non-applicant No.2 has withdrawn Miscellaneous Application No.27/2018 filed under the provisions of the Protection of Women from Domestic Violence Act, 2005 and has no objection if the First Information Report bearing Crime No.130/2018 is quashed and set aside.

7. We have carefully considered the allegations in the First Information Report and replies filed by the non-applicants. On careful consideration of the First Information Report, we are satisfied that the offences alleged against the applicants are personal in nature.

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 settlement of dispute between the non-applicant No.2 and the applicants there is no impediment in quashing the First Information Report registered against the applicants.

10. We, therefore, pass following order :

- i. The Criminal Application is allowed.
- ii. The First Information Report No. 130/2018 dated 19.05.2018 registered with non-applicant No.1 - Police Station against the applicants for the offences punishable under Sections 498A, 506 read with Section 34 of the Indian Penal Code is quashed and set aside.

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