

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

CRIMINAL APPLICATION (APL) NO. 1117 OF 2019

1. Satish Anandrao Patil,
Age – 47 years, Occ.- Service,
 2. Sau Renuka Satish Patil,
Age – 41 yrs., Occ. - Household
 3. Sau. Manda @ Nanda Anandrao Patil,
Age – 58 yrs., Occ.- Household,
R/o.C/o. Shri. Balasaheb Bhaurao Thakare,
At Post Ward No.1, In front of Taun Hall,
Mangulpir, Tq. Mangrulpir, Distt. Washim.
 4. Chandrakant Anandrao Patil,
Aged 35 years, Occu. Service,
 5. Anandrao Sitaram Patil,
Aged – 70 yrs., Occ. - Agriculturist,
R/o. Post Office Road, Mangrulpir,
Tq. Mangrulpir, Dist. Washim.
- APPLICANTS**

---VERSUS---

1. State of Maharashtra,
Through P. S.O. Deulgaon Raja,
Tq. Deulgaon Raja, Distt. Buldana.
 2. Sau. Kanchan Chandrakant Patil,
Age – Adult, Occ. - Household,
C/o. Rajendra Anandrao Patil,
R/o. Balaji Nagar, Deulgaonraja,
Tq. Deulgaonraja, Distt. Buldana, Akola.
- NON-APPLICANTS**

Mr. D. S. Patil, Advocate for the Applicants.
 Mr. T. A. Mirza, A.P. P for the Non-applicant/State.
 Mr. R. D. Wakode, Advocate for Non-applicant No.2.

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

DATE : 27.04.2022.

ORAL 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.300/2019 registered with the non-applicant No.1 – Police Station for the offences punishable under Sections 498A, 323, 294, 504, 506 read with Section 34 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 on the ground of non-payment of dowry of Rs.7,00,000/-. It is alleged that the applicant No.4 along with others assaulted the non-applicant No.2.

5. The applicants have therefore challenged registration of the First Information Report by filing present application. This

Court on 18.11.2019 issued notice to the non-applicants. In pursuance of which, the non-applicant No.1 has filed reply.

6. During the pendency of the present application, the applicants and the non-applicant No.2 have mutually resolved their dispute and filed joint affidavit stating that the applicant No.4 and the non-applicant No.2 have filed proceedings for a mutual divorce under Section 13B of the Hindu Marriage Act, 1955 which has been registered as H.M.P No.58/2020 before the Civil Judge Senior Division, Buldhana. It is stated that considering the future prospect, the applicants and the non-applicant No.2 have amicably resolved their dispute and have agreed to withdraw the proceedings against the applicants.

7. Today, the applicant No.4 and the non-applicant No.2 are present in the Court. The non-applicant No.2 has stated that she has voluntarily decided to amicably resolve the dispute between the applicants and the non-applicant No.2 and she has no objection for quashing the proceedings against the applicants. The applicant No.4, who is present in the Court undertakes to appear before the Family Court on 06.05.2022 and shall cooperate for passing the order under Section 13B of the Hindu Marriage Act, 1955. The undertaking is accepted.

8. It is made clear that the non-applicant No.2 has given no objection only on the condition that the applicant No.4 cooperates with the non-applicant No.2 for getting mutual divorce under Section 13B of the Hindu Marriage Act, 1955 and in case, the applicant No.4 fails to remain present on 06.05.2022 or fails to cooperate with the non-applicant No.2 for getting divorce by mutual consent, the no objection given by the non-applicant No.2 for quashing proceedings shall stand withdrawn and the present order quashing proceedings against the applicants shall stand recalled without further reference to this Court.

9. We have carefully considered the allegations in the First Information Report along with the reply filed by the non-applicant No.1 and we are satisfied that the offences alleged against the applicants are arising out of the matrimonial proceedings.

10. 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.

11. 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.

12. We therefore, pass following order :

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

“Quash the First Information Report Dt. 9/9/2019 in crime no. 300/2019, registered with Non-Applicant no.1, P.S.O. Deulgaon Raja, Tq. Deulgaon Raja, Distt. Buldana, for offence punishable u/s 498-A, 323, 294, 504, 506, 34 of Indian Penal Code, as against applicants. (Annexure A-1).”

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

JUDGE

JUDGE