

(2022) 04 BOM CK 0003

In the Bombay High Court

Case No : Criminal Application (Appeal) No.855 Of 2021

Anurag And Others

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 01-04-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 498A

Citation : (2022) 04 BOM CK 0003

Hon'ble Judges : V.M.Deshpande, J;Amit B.Borkar, J

Bench : Division Bench

Advocate : U.Y.Sonkusare, S.S.Doifode

Final Decision : Allowed

Judgement

Amit B.Borkar, J

1. Heard learned counsel Shri U.Y.Sonkusare for applicants and learned Additional Public Prosecutor Shri S.S.Doifode for the State.

Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for parties.

2. By this application, under Section 482 of the Code of Criminal Procedure, applicants challenge registration of First Information Report No.144/2021 registered with Gondia City Police Station, Gondia for offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

3. The First Information Report came to be registered against applicants with allegations that applicants mentally tortured non-applicant No.2 and, therefore, applicants are challenging the First Information Report.

4. Applicants and non-applicant No.2 have mutually resolved their dispute. Parties have tendered Compromise Deed dated 28.3.2022 which is signed by applicants and non-applicant No.2. The said Compromise Deed is taken on record

and the same is marked as Exhibit-X for purposes of identification.

5. Having carefully considered allegations in First Information Report, we are satisfied that nature of offence against applicants is personal in nature. The Honourable Apex Court in the case of Madan Mohan Abbot ..vs.. State of Punjab, reported at (2008)4 SCC 582 has taken a view that when allegations are personal in nature, it is advisable to quash proceedings so that time in such cases can be utilized for more deserving cases.

6. In view of offence against applicants is personal in nature and in view of amicable compromise arrived at between parties, there is no impediment for quashing of the First Information Report. We, therefore, pass following order:

ORDER

The criminal application is allowed in terms of prayer clause (i) of the application.

Rule is made absolute in above stated terms.