

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

CRIMINAL APPLICATION (APL) NO. 78/2019

- 1] Naved S/o Naseem Sheikh,
Aged 24 years, Occu. Computer Operator,
With RFO Office Devlapar,
Having his residence at Chokes Colony
Ward No. 5, Devlapar Ramtek
- 2] Priyanka alias Priti D/o Satish Mishra,
Aged 23 years, Occu. Teacher,
Having her residence at Chokes Colony,
Ward No. 5, Devlapar, Ramtek

.... **APPLICANT(S)**

// VERSUS //

- 1] State of Maharashtra,
Through Police Station in charge,
Devlapar Police Station, Devlapar,
Taluka Ramtek, Maharashtra
- 2] Vishal Vilas Patil,
Inspector, Police Station Devlapar,
Devlapar Taluka, Ramtek

.... **NON-APPLICANT(S)**

Shri A.K. Sorde, Advocate for the applicant no. 1
Shri N.H. Joshi, APP for the non-applicant no. 1

CORAM : Z.A.HAQ & VINAY JOSHI, JJ.
DATED : 27/03/2019

ORAL JUDGMENT : (PER:- Vinay Joshi, J.)

1] Heard finally by consent of the learned advocate for the applicant no. 1 and the learned APP.

2] **RULE.** Rule made returnable forthwith.

3] The applicant nos. 1 and 2 have jointly approached this Court for quashing the FIR bearing No. 21/2017 registered at Police Station Devlappar, District Nagpur. In fact, the FIR was lodged by non-applicant no. 2 (police person) at the instance of grievance put by applicant no. 2. We have examined the copy of the FIR which discloses that applicant no. 2 had approached the police contending that somebody has created her fake facebook ID and uploaded photographs. In the preliminary enquiry, it revealed that applicant no. 1 has created false IP address and by using that, uploaded the photographs on the facebook of applicant no. 2. On the basis of said material, police registered crime against applicant no. 1 for offences punishable under Section 354D (ii) of the Indian Penal Code and Section 66C and Section 67A of the Information Technology Act. The matter is settled between applicant no. 1 and applicant no. 2 (on whose behest FIR was lodged). Since both applicants have settled the dispute, they jointly pray for quashing of the FIR. It reveals that applicant no. 2 has filed affidavit alongwith this application confirming the contents of the settlement and praying for quashing of the FIR. Though the police personnel has lodged FIR, it was registered at the instance of applicant no. 2 who is not willing to

proceed further. In such peculiar facts, we find that it would be a futile exercise to require the parties to go on with the trial as neither victim (at whose instance FIR is lodged) nor the other side is interested. In the circumstances, we deem it appropriate to exercise inherent jurisdiction to prevent abuse of process of the Court. Hence, we allow the application and hereby quash and set aside FIR No. 21/2017, registered at Police Station Devlapar by non-applicant no. 2, and also quash the charge-sheet and related criminal proceedings.

Rule is made absolute in the above terms.

Criminal Application (APPP) No. 119/2019

In view of the disposal of the criminal application, this application praying for grant of time to file the certified copy of charge-sheet does not survive. It is **disposed** accordingly.

JUDGE

JUDGE

Ansari