

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

CRIMINAL APPLICATION (APL) NO. 112 OF 2019.

1. Nirmala Ashok Sawant,
aged 47 years, Occupation Labour,
R/o Dabki Road, Dnyaneshwar Nagar,
Akola, Tq.District Akola.
2. Savita Vinod Navale,
aged 35 years, Occupation Household,
R/o Canal Road, near Yogiram Aqua,
Dabki Road, Akola, Tq.District Akola.
3. Madhukar Dagadu Koranne,
aged 50 years, Occupation Laobur,
R/o old City, Near Rajeshwar Mandir,
Akola, Tq.District Akola.

...APPLICANTS.

VERSUS

1. State of Maharashtra,
Through PSO, Dabki Road, Akola,
District Akola.
2. Kiran Omprakash Sharma,
aged 27 years, Occupation Household,
R/o Gyaneshwar Nagar, Lane No.5,
Dabki Road, Akola, Tq.District Akola.

...RESPONDENTS

Shri D.S.Patil, Advocate for the applicants.
Shri C.A.Lokhande, APP for respondent No.1/State.
Shri S.K.Wankhede, Advocate for respondent No.2.

CORAM:- P.N. DESHMUKH AND

PUSHPA V. GANEDIWALA, JJ.

DATED :- 03/09/2019

ORAL JUDGMENT (Per P.N.Deshmukh, J.) :

Rule. Rule is made returnable forthwith. Heard finally by consent of learned counsels for both the parties.

2. This application is filed for quashing of F.I.R. No. 341/2018 registered with Police Station, Dabki Road, District Akola for the offence punishable under Sections 376, 420 and 506 read with Section 34 of the Indian Penal Code. The applicants are co-accused in the aforesaid Crime.

3. Learned counsel for respondent No.2 – the complainant submits that the said respondent has placed on record affidavit having no objection for quashing of F.I.R. qua the applicants contending that the issue is amicably resolved between the parties and with an intention to have cordial relations in future, respondent No.2 had withdrawn all the allegations made against the applicants in her report.

4. Perusal of the impugned F.I.R. shows that the allegation of sexual intercourse on the false pretext of marriage is against the main accused – Nitin Shamrao Sawant, who is not before this Court. The present applicants are the relatives of the said accused – Nitin. The allegations against the present applicants are that they had mediated for settlement between respondent No.2 and her ex-husband for their divorce.

5. Looking to the nature of allegations made against the present applicants and the settlement arrived at between the parties, we are convinced that no case of rape is made out against the present applicants. In that view of the matter and relying on the law laid down in the case of **Narinder Singh and Others Vs. State of Punjab and another** reported in (2014) 6 SCC 466, it would be an abuse of process of law to proceed against these applicants. Accordingly, we are inclined to allow the application and pass following order:-

ORDER

The Criminal Application is allowed in terms of prayer clause (A) of the same, subject to payment of costs of Rs.15,000/- (Rs. Fifteen thousand only) to be paid by the applicants and respondent No.2 jointly and severally to the Registrar of this Court within two weeks from today. On payment of costs, the same be transferred to the account of Vidarbha Lady Lawyers Association, High Court, Nagpur.

Rule is made absolute in the above terms.

JUDGE

JUDGE

Sumit