

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

CRIMINAL APPLICATION (APL) NO. 115 OF 2019

(Sameer s/o. Rana Pathan & anr..vs.. State, thr PSO, Jaripatka, Dist. Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C.R. Thakur, counsel for applicants.

Mrs. S.K. Joshi, Addl. Public Prosecutor for respondent.

**CORAM : P.N. DESHMUKH AND
ROHIT B. DEO, J.**

DATED : 13-02-2019

Both the applicants are present. Applicant no. 2 who is a complainant admits that since matter is resolved, she do not want to prosecute applicant no. 1. On the basis of report lodged by applicant no. 2, offence vide Crime no. 38 of 2019 was registered at Jaripatka Police Station for offence punishable under section 376(2)(m), 376(2)(n), 506(2) of the Indian Penal Code and under section 3(1)(w)(i)(ii), 3(1)(2),3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2 According to the joint application moved for quashing of above First Information Report, applicant no. 2 has placed on record affidavit thereby stating her date of birth. According to her, she is of 27 years as on date, and she has adopted Muslim religion and is ready to withdraw the complaint lodged. In view of the fact that both the applicants who got married on 23.1.2019, in support of its case of marriage have relied upon

Annexure – C claiming to be 'Nikahnama'. Applicants to place on record translated copy of said document on record.

3 Though, according to the report, it is found that applicant 2 was repeatedly assaulted sexually on the pretext of marriage, and applicant 1 had agreed to marry with her only when he found that applicant no. 2 is carrying pregnancy. Having considering the fact that applicant no. 2 do not want to prosecute applicant no. 1 since they are married, application is liable to be allowed in view of law laid down in the case of ***Narinder Singh & Othrs ..vs.. State of Punjab & another*** reported in ***AIR 2014 SC (Supp) 1839***.

4 However, we find that since on lodging of reports, the police machinery is put into motion and since the offence registered, has been duly investigated by the authorities of concerned Police Station, we direct applicant no. 1 to pay cost of Rs. 25,000/-. Subject to payment of cost as aforesaid to District Court Bar Association, Nagpur, application is allowed in terms of prayer clause 2 of the same with no order as to cost.

JUDGE

JUDGE