

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No. 853 of 2019
[Brijesh Kumar Sudhir Ranjan Thakur & another Vs. State of Mah.,
Ballarsha PS, Distt. Chandrapur]

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

Court's or Judge's orders

Mr. A. A. Dhawas, Adv., for the Applicants.
Mr. A. D. Sonak, APP for respondent.

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CORAM : P. N. DESHMUKH AND
SMT. PUSHPA V. GANEDIWALA, JJ.

DATE : 30th August, 2019

This application is jointly filed by the applicant no.1 – accused and applicant no.2 – complainant for quashing of First Information Report vide Crime No. 332/2019 registered with Ballarsha Police Station, Distt. Chandrapur, for offences punishable under Sections 376, 377 and 506 of Indian Penal Code.

According to the Applicant No.2, she does not want to prosecute the report any further, as the same came to be lodged during the period the applicants were having relations with each other, however, without marriage. Since applicant no.1 refused to marry the applicant no.2 in spite of keeping physical relations, the report came to be lodged. The applicant no.2, who is personally present

before the Court, admits her marriage with the applicant no.1 and, therefore, she does not want to prosecute the police complaint. Applicant no.2's affidavit to this effect is also placed on record wherein she states that since she is married with applicant no.1 - Brijesh Kumar Sudhir Ranjan Thakur and the report came to be lodged during the period of their love affair when the applicant no.1 refused to marry her, she does not want to prosecute the same. We also find that applicants have placed on record a copy of certificate of their marriage.

Considering the facts as aforesaid and in view of the law laid down by the Hon'ble Apex Court in the case **Narinder Singh & others Vs. State of Punjab & others** [(2014) 6 SCC 466], there is no purpose to proceed with the crime, as even the trial would end in an acquittal. In the circumstances, the application is liable to be allowed and it is accordingly allowed, subject to applicants paying cost of Rs.10,000-00 [rupees ten thousand only] with the Registry of this Court within two weeks from today. On deposit of cost, the same shall be paid to the High Court Bar Association, Nagpur.

Judge

Judge

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