

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.723 OF 2018

(Suraj s/o Haridas Meshram and others vs. State of Maharashtra and another)

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

Smt. A.R. Taiwade, Advocate for applicants.
Shri S.A. Ashirgade, Additional Public Prosecutor for
non-applicant no.1.

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

DATED : JUNE 11, 2019

Heard Smt. Taiwade, learned Counsel for applicants and Shri Ashirgade, learned Additional Public Prosecutor for non-applicant no.1. None for non-applicant no.2 though appears to be served.

Smt. Taiwade, learned Counsel for applicants, submits that even in absence of non-applicant no.2, application be allowed as after lodging of report on 25/7/2018 upon which Crime No.422/2018 is registered by Police Station, Hudkeshwar, Nagpur for the offences punishable under Sections 376, 344 and 420 read with Section 34 of Indian Penal Code, applicant no.1 and non-applicant no.2 got married on 29/7/2018 and in support thereof, has referred to marriage certificate.

The submissions advanced are found substantiated by the documents on record. It is also found that in addition to marriage certificate, applicant

no.1 as well as non-applicant no.2/complainant have placed on record joint affidavit wherein non-applicant no.2 has stated that due to misunderstanding and anger, report came to be lodged against applicants, upon which offences are registered and as such, has come out with a case that as report lodged is false, she does not want to proceed further in the matter and since applicant no.1 and non-applicant no.2 are thereafter married and leading happy married life, she has no objection for quashing of first information report.

In view of facts as aforesaid and considering the fact of non-applicant no.2/complainant marrying applicant no.1 and joint affidavit of parties on record establishing that they are residing together as husband and wife and relying upon the law laid down by the Hon'ble Apex Court in the case of **B.S. Joshi and others vs. State of Haryana and another** {(2003) 4 SCC 675) and **Narinder Singh and Others vs. State of Punjab and another** {(2014) 6 SCC 466), we find no purpose to keep the prosecution pending as it would amount to futile exercise.

In that view of the matter, application is allowed subject to applicant no.1 Suraj s/o Haridas Meshram and non-applicant no.2/complainant Rupali Ankush Duryodhan paying costs of rupees ten thousand each.

Smt. Taiwade, learned Counsel for applicants, submits that amount of costs shall be

deposited with the Registry of this Court within four weeks from today. On payment of such amount, the same shall be transferred to Police Welfare Fund, District Chandrapur.

The application is disposed of in the above terms.

JUDGE

JUDGE

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