

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No.1195 of 2018
[Atul Baburao Wadi Vs. State of Mah., Pathrot PS, Distt. Amravati & another]

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

Court's or Judge's orders

Mr. P. S. Patil, Adv., for the Applicant.
Mr. Shirpurkar, APP for respondent no.1.
Mr. A. S. Thotange, Adv., for respondent no.2.

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

DATE : 29th July, 2019

Learned Addl. Public Prosecutor submits that in spite of obtaining the instructions from respondent no.1 by a wireless message, no instructions are received.

We find that the prayer in this application is for quashing of First Information Report No. 0258/2018 registered by respondent no.1 under the provisions of the Information Technology Act, 2000. It is further noted that in the order dated 4th March, 2019, it is already observed that the respondent no.2 has, in fact, after lodging a report and before issuance of notice in the present application, produced before the Court her affidavit requesting not to proceed with the report which was lodged by her under misunderstanding and the

allegations were made out of anger and as such she does not want to proceed further with the matter. In spite of observing that, this Court found it necessary to know the status of investigation and the material, whatsoever, collected against the applicant, and, thus, adjourned the application. Thereafter, the application was repeatedly adjourned for want of obtaining instructions. Even today, no instructions are received by the learned Addl. Public Prosecutor, as stated aforesaid.

In that view of the matter and relying upon the affidavit of respondent no.2, whose presence is dispensed with by this Court by earlier order, we find no reason to keep this application pending and accordingly disposed of the same in terms of Prayer Clause [1] thereof by imposing cost of Rs.10,000/- [rupees ten thousand only] upon the applicant and respondent no.2 to be jointly and severally paid by them within two weeks from today. The costs be deposited with the Registry of this Court. The payment of amount of cost be further made to High Court Bar Association, Nagpur.

Judge

Judge