

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

CRI. APPLICATION (APL) NO. 582 OF 2020

1. **Ku. Simran Lebu Chowdhary,**
Age : 20 years, Occupation : Nil,
R/o. Sant Ravidasnagar, Taluka:
Murtijapur, District : Akola.
2. **Nikhil Arun Ghode,**
Age: 22 years, occupation: Business,
R/o. Vrundawan Nagar, Taluka :
Murtijapur, District : Akola.

.... **APPLICANTS.**

// **VERSUS** //

The State of Maharashtra,
Through Police Station Officer of
Police Station, Murtijapur,
District : Akola.

.... **NON-APPLICANT.**

Shri Parvez Mirza, Advocate for Applicants.
Ms Kalyani Deshpande, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ AND SHRI N.B.SURYAWANSHI, JJ.
DATED : JUNE 23, 2020.

ORAL JUDGMENT : (Per : N.B.Suryawanshi, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith.

3. This application is filed jointly by the accused and informant under Section 482 of the Code of Criminal Procedure seeking quashment of the F.I.R. in Crime No. 99 of 2020, registered with Police Station, Murtizapur, District : Akola for the offences punishable under Sections 376(2)(n) and 417 of the Indian Penal Code.

4. The applicant No.1-informant lodged the said F.I.R. alleging that there was love affair between the applicant No.1 and applicant No.2 and they indulged in physical relationship. At that time, the applicant No.2 gave promise of marriage to the applicant No.1 and thereby established physical relations with her. The relations continued till March 2020. Thereafter the applicant No.2 performed marriage with his cousin on 24/05/2020. On coming to know about the said marriage, the applicant No.1 realized that she has been deceived and therefore, she lodged F.I.R. on 26/05/2020.

5. On 29/05/2020 the applicant No.1 gave a representation to the Superintendent of Police, Akola wherein she has stated that she had lodged the said F.I.R. in a fit of anger and out of frustration. She has specifically stated in the said representation that her physical relations with the applicant No.2 were with her consent and they separated as per their own wishes. The applicant No.2 did not ever force the physical relations on the applicant No.1. The applicant No.1 has not physically violated the applicant No.2 and has not deceived her.

6. We are conscious that applications under Section 482 of the Code of Criminal Procedure for quashing of First Information Reports registered for the offence punishable under Section 376 of the Indian Penal Code should be considered with extreme circumspection and this Court should be very slow in quashing such First Information Reports, keeping this in mind we have examined the matter.

The undisputed facts on record show that at the time of the alleged incident the applicant No.1-informant as well as the applicant No.2-accused were major. There are no allegations of use of force by the applicant No.2. The physical relations between the applicant No.1 and applicant No.2 were by consent and free-will. It appears that the applicant No.1-informant got infuriated because of marriage of the applicant No.2 with some other girl and as stated by the applicant No.1 in the representation dated 29/05/2020 she had lodged the complaint in fit of anger. Now, the applicant No.1-informant herself states that she does not want to continue with the prosecution of the applicant No.2.

7. Considering these facts, it is clear that no useful purpose would be served by keeping the prosecution of the applicant No.2 pending. The investigation is not yet complete and charge-sheet is not filed.

8. In the above circumstances, we **allow** the present application in terms of prayer clause (a).

Rule is made absolute accordingly.

The amount deposited by the applicant No.2 with the Registry of this Court, in terms of order dated 5th June 2020, shall be made over to the office of Public Prosecutor.

(N.B.SURYAWANSHI, J)

(Z.A.HAQ, J)

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