

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

CRIMINAL APPLICATION (APL) NO.265 OF 2021

1. Viju S/o. Daduram Jadhao,
Aged about : 30 Years,
Occupation : Service.
2. Stuti W/o. Viju Jadhao @ Stuti
D/o. Babanrao Patankar,
Aged about : 34 Years,
Occupation : Service.

Applicant nos.1 and 2 both
R/o. Aagpuri Marg, Chapdho Prkalp,
Pandhri, Karegaon (Yevli)
Yavatmal – 445001.

....APPLICANTS

// VERSUS //

State of Maharashtra,
through Police Station Officer,
Yavatmal City, Taluka and
District : Yavatmal.

.... NON-APPLICANT

Shri Vivek Awchat, Advocate for the applicants.
Ms. Mayuri Deshmukh, A.P.P for the non-applicant.

CORAM : Z. A. HAQ AND AMIT B. BORKAR, JJ.

DATE : 12.02.2021.

ORAL JUDGMENT : [PER: Z. A. HAQ, J.]

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

3. The accused (applicant No.1) and the Victim (applicant No.2) have jointly filed this application under Section 482 of the Code of Criminal Procedure praying that the First Information Report registered against the applicant No.1(accused) at the behest of the applicant No.2 (victim) vide Crime No.0623 for the offences punishable under Sections 376(2)(n) and 417 of the Indian Penal Code be quashed.

4. The applicant No.1 (accused) is aged about 30 years and the applicant No.2 (victim) is aged about 34 years. The criminal application is supported by the affidavit of the applicant No.2 (victim).

5. According to the applicants, the matter is amicably worked out and the applicant No.2 (victim) does not want to prosecute the applicant No.1 (accused) for the crime alleged to have been committed by him. The First Information Report is registered on 12.12.2020. The investigation is at preliminary stage.

6. Considering the facts of the case, specially that the applicant No.2 (victim) does not want to prosecute the applicant No.1 (accused), in our view, keeping the criminal proceedings pending against the applicant No.1 (accused) will not serve any fruitful purpose and it may ultimately turn out to be an exercise

in futility. In our view, this is an appropriate case to exercise jurisdiction under Section 482 of the Code of Criminal Procedure.

7. Hence, the following order :-

The First Information Report registered against the applicant No.1(accused) with the non-applicant-Police Station vide Crime No.0623/2020 for the offences punishable under Sections 376(2)(n) and 417 of the Indian Penal Code is quashed

Rule is made absolute accordingly.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)

RGurnule