

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

CRIMINAL APPLICATION (APL) NO. 201 OF 2020

1. Shri Rajendra S/o Ramkrushna Malve,
Aged about 49 Yrs.
Occ – Sectional Engineer PWD,
Morshi, Division: Amravati,
R/o Flat No. 101, Varadh
Vinayak Apartment,
Ganediwal Layout, Camp,
Amravati.

2. Shri. Ravi S/o Ramkrushna Malve,
Aged about 46 Yrs,
Occ – Laboratory Attendant,
R/o. Gopal Nagar, Amravati,
Tq. and Dist. Amravati.

... **APPLICANTS**

V E R S U S

1. State of Maharashtra,
Through Police Station Office,
Gadge Nagar, Amravati,
Tq. & District.

2. Sau. Jyoti Rajendra Malve,
Aged about 41 years,
Occu : House Wife,
R/o Flat No.101,
Varadh Vinayak Apartment,
Ganediwal Layout, Camp,
Amravati.

... **NON-APPLICANTS**

Shri S. P. Bhandarkar, Advocate for applicants.
Ms. S. S. Jachak, APP for non-applicant No.1-State.
Shri P. R. Agrawal, Advocate for non-applicant No.2.

CORAM : A.S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : 25/08/2021.

ORAL JUDGMENT : (PER : G. A. SANAP, J.)

1. **Rule.** Rule made returnable forthwith.

2. In this application, the applicants have prayed for quashing of First Information Report No.1150/2019 dated 08/12/2019 registered at Police Station, Gadge Nagar, Dist. Amravati on the report of the non-applicant No.2. The necessary averments for quashing of First Information Report have been made in the application. The parties namely; applicant Nos.1 and 2 and the non-applicant No.2 have filed an affidavit and stated that the dispute between them has been settled. It is stated therein that the registration of the First Information Report was due to misunderstanding. The applicants and the non-applicant No.2 are present in the Court today. We have verified their identity as well as the contents of the affidavit submitted before the Court.

3. The non-applicant No.2 states that now, she has started residing with her husband – applicant No.1. The applicant No.2 is brother of the applicant No.1 and brother-in-law of the non-applicant No.2. Perusal of the affidavit would further show that the applicant No.1 and the non-applicant No.2 have 19 years old daughter and 14 years old son.

4. In view of this factual position placed on record, in our view, the prayer made by them to record their settlement and to quash the First Information Report deserves acceptance. It is pertinent to mention that since the applicant No.1 and the non-applicant No.2 have started residing together and that too with the children, in our opinion, the continuation of the prosecution would be an obstacle in their happy married life. It is seen that the First Information Report came to be lodged as stated by the parties due to some misunderstanding.

5. In view of this position, we are convinced that the further continuation of the criminal prosecution would be a mere exercise in futility. It would be an abuse of process of law. In our opinion, to meet the ends of justice, it would be necessary to grant the prayer. Hence, the following order :-

ORDER

- i] The criminal application is allowed.
- ii] The First Information Report No.1150/2019 dated 08/12/2019 registered at Police Station, Gadge Nagar, Dist. Amravati for the offences punishable under Sections 377, 376 r/w 511, 354,

354-A, 506, 504 and 323 of the Indian Penal Code is quashed and set aside.

iii] The applicant Nos.1 and 2 stands discharged.

Rule is made absolute in above terms.

(G. A. SANAP, J.)

(A.S. CHANDURKAR, J.)

Choulwar