

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

CRIMINAL APPLICATION (APL) NO.632 OF 2021

APPLICANTS :-

1. Dhiraj S/o Ramesh Solanke,
Aged about 34 years, Occ. Service,
R/o. Kohala, Dhanora Mogal,
Tq. Chandur Railway,
Distt. Amravati.
2. Prafulla Bhagwat Mhaiskar,
Aged : 34 Yrs, Occ. : Labour,
R/o. Kohala, Dhanora Mogal,
Tq. Chandur Railway,
Distt. Amravati.
3. Chetan S/o. Pravin Khandar @
Deshmukh
Aged about 23 years,
R/o. Onkarkheda, Tq. Nandgaon,
Khandeshwar, Distt. Amravati.
4. Kala Mahesh Thakur,
Aged 36 years, Occ.: Labour,
R/o. Near Kapsi Mata Mandir,
Wadarpura, Amravati.

...VERSUS...

RESPONDENTS :-

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Frezarpura,
Amravati, Tq. & Dist. Amravati.

Shri. P R. Agrawal, Advocate for applicants
Smt. S. S. Jachak, APP for respondent-State

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

DATED : 16.07.2021

ORAL JUDGMENT (Per : G. A. Sanap, J.)

Rule. Rule made returnable forthwith.

2] The applicant Nos. 1 to 3 are the accused in the case registered on the report of the informant. The informant is the applicant No.4 in this petition. All the applicants are represented by the learned Advocate Shri. P R. Agrawal. The learned Advocate Shri. P R. Agrawal has identified the applicant No.4. Similarly, we have verified the identity of the applicant No.4 through the learned Additional Public Prosecutor. The learned Additional Public Prosecutor has produced investigation papers. The papers produced today include the photocopy of the Adhar Card of the applicant No.4 and the statement of the applicant recorded by the police on 13/07/2021.

3] We have heard Shri. P R. Agrawal, learned Advocate for the applicants and Smt. S. S. Jachak, learned Additional Public Prosecutor for the State. We have gone through the record and proceedings.

4] This petition has been filed for quashing the charge-sheet and the proceedings arising out of FIR No. 1016 of 2020 dated 06/11/2020. The Crime was registered and after investigation the charge-sheet has been filed for the commission of

the offences punishable under Sections 376, 376(2)(n), 376(D), 363, 506, 354(c) of the Indian Penal Code and Section 66(E) of the Information Technology Act. After filing of the charge-sheet the case was registered as Sessions Trial No. 09 of 2021.

5] The main ground pleaded in the petition for quashing the criminal prosecution and the First Information Report is that accused Nos.1 to 3 and the informant have arrived at the settlement. The applicant No. 4 has confirmed and reiterated before us that the matter has been settled. The reason for the settlement of the matter has been mentioned by her in her statement recently recorded by the Police.

6] The perusal of the record further shows that during the course of investigation the applicant No.4 refused to undergo the medical examination. It is therefore apparent on the record that in this crime there is no medical evidence. We have given thoughtful consideration to the facts and circumstances brought on record. In our opinion, the continuation of the prosecution would be wastage of the time of the Court and as such exercise in futility for the reasons specifically mentioned in the application. The parties have amicably settled the matter.

7] In the facts and circumstances of the case, in our opinion, the criminal prosecution deserves to be quashed. In the peculiar facts, the interest of justice would be met if the applicant

Nos. 1 to 3 are directed to pay the costs of Rs.5,000/- each.
Hence, following order-

ORDER

- 1] The Criminal Application is allowed.
- 2] The First Information Report No.1016 of 2020 and consequently, the Sessions Trial No. 09 of 2021 is quashed.
- 3] The applicant Nos.1 to 3 are directed to pay costs of Rs.5000/- each, within four weeks, which shall be paid in the Police Welfare Fund, Amravati.

Accordingly, the criminal application is disposed of.

JUDGE

JUDGE

Namrata