

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

CRIMINAL APPLICATION (APL) NO. 402 OF 2020

1. Praful S/o. Ramesh Halami,
Age 32 years, Occupation : Service,

2. Mamta W/o. Praful Halami
(Mamta D/o. Lalaji Tadam)
Age 27 years, Occupation: Student,

Both R/o. Yengalkheda, Tahsil :
Kurkheda, District : Gadchiroli.

.... **APPLICANTS.**

// VERSUS //

State of Maharashtra,
Through Police Station Officer,
Police Station, Gadchiroli

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

Shri R.R.Vyas, Advocate for Applicants.
Shri N.S.Rao, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.
DATED : JANUARY 25, 2021.

ORAL JUDGMENT : (Per : Z.A.Haq, J.)

1. Heard.

2. **RULE.** Rule is made returnable forthwith.

3. Applicant No.1-Accused and Applicant No.2-Informant-Victim have jointly filed this application under Section 482 of the Code of Criminal Procedure praying that the First Information Report bearing No. 73 of 2020, registered against the applicant No.1 at the behest of the applicant No.2 for the offences punishable under Sections 376(2)(n), 323 and 504 of the Indian Penal Code be quashed. It is further prayed that the consequential charge-sheet and Sessions Case No.37 of 2020, registered against Applicant No.1, may also be quashed.

4. According to the applicants, the matter is amicably worked out and they have entered into marital tie on 8th July 2020. It is further submitted that out of their relationship a male child is born and now all of them are residing together happily.

5. Considering the facts of the case and as we find that the prosecution of the applicant No.1 would not serve any purpose and would be an exercise in futility, we deem it fit to exercise extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure to grant prayer as made in the application.

6. Hence, the following order:

First Information Report No.73 of 2020, registered with non-applicant No.1-Police Station for the offences punishable under Sections 376(2)(n), 323, 504 of the Indian Penal Code and Sessions Case No.37 of 2020, pending before the Sessions Court, are quashed.

Rule is made absolute accordingly.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)

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