

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

CRIMINAL APPLICATION (APL) NO. 140 OF 2021

1. Nikhil S/o. Rajesh Shahare,
Aged 26 years, Occu.: Private,
R/o. Frezarpura, Amravati,
Tah. and District : Amravati.
2. Deepali D/o. Kenuram Marai,
Aged 27 years, Occ. Education,
R/o. 36, Vrundavan Colony,
Chakrapani Nagar, Nagpur.

.... **APPLICANTS.**

// VERSUS //

State of Maharashtra, through
Police Station Officer,
Police Station, Frezarpura,
Amravati, District : Amravati

.... **NON-APPLICANTS.**

Shri T.U.Tathod, Advocate for Applicants.
Shri T.A.Mirza, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.
DATED : FEBRUARY 01, 2021.

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

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

3. Accused (applicant No.1) and informant-victim(applicant No.2) have jointly filed application under Section 482 of the Code of Criminal Procedure praying that First Information Report No.1087 of 2020 registered with the Non-applicant-Police Station for the offences punishable under Sections 376, 376(2)(n), 323 and 504 of the Indian Penal Code, be quashed. According to the applicants, they were in relationship since 2017 and now they got married on 18th January 2021. The applicant No.1/accused has filed affidavit sworn on 21st January 2021 to the above effect and along with it photocopy of the certificate issued by Chandrakala Vivah Mandal is placed on record which supports the contention of the applicants. The Criminal Application filed by the applicants under Section 482 of the Code of Criminal Procedure is supported by affidavit of the applicant No.2-victim also. The investigation in the matter is at preliminary stage and the charge-sheet is not yet filed.

4. Considering the facts of the case, specially that the victim does not want to prosecute the applicant No.1-accused, in our view, no fruitful purpose would be served by keeping the criminal proceedings pending against the applicant No.1.

5. Hence, the following order:

First Information Report bearing No.1087 of 2020, registered with non-applicant-Police Station for the offences punishable under Sections 376, 376(2)(n), 323 and 504 of the Indian Penal Code is quashed.

Rule is made absolute accordingly.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)

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