

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

CRIMINAL APPLICATION (APL) NO. 1004 OF 2022

Mohd Amir Mohd Sohail Sheikh and Ors.

Vs.

State of Maharashtra, Thru. PSO Digras, Dist. Yavatmal and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Mir Nagman Ali, Advocate for applicants.
Mr. S.M. Ghodeswar, APP for respondent No.1.
Mr. Sharukh Shah, Advocate for respondent No.2.

**CORAM : MANISH PITALE, &
VALMIKI SA MENEZES, JJ.**

DATE : 24.08.2022.

By this application, the applicants are seeking quashing of FIR No.513/2022 dated 06.07.2022, registered at Police Station Digras, District – Yavatmal, whereby offences under Section 376(2)(n), 419 and 506 read with Section 34 of the Indian Penal Code have been registered against them. The FIR was registered on 06.07.2022, on the basis of the oral report submitted by non-applicant No.2.

2. When this application was listed before this Court, on 02.08.2022, this Court passed an

order issuing notice and further directed that charge-sheet shall not be filed without the leave of this Court.

3. At the time of issuance of notice, attention of this Court was invited to an affidavit dated 28.07.2022, sworn by the non-applicant No.2, wherein it is submitted that the report leading to the registration of the FIR was lodged on the basis of misunderstanding about the applicants, particularly applicant No.1. It is stated in the affidavit that since the misunderstanding was cleared, two days after registration of the FIR, on 08.07.2022, the applicant No.1 and non-applicant No.2 got married. The copy of marriage certificate is also placed on record, along with this application.

4. While issuing notice, this Court had observed that the criminal justice system is being put in motion in casual manner in such cases and that this Court would have to take a strict view in such matters. We had indicated to the learned counsel for the applicants that if and when the non-applicant No.2 appears in Court and submits an affidavit supporting the prayer in this application stating that the affidavit has been sworn without any coercion,

we would still consider the aspect of imposing cost in the present matter.

5. Today when the application is called out for hearing, the applicants and non-applicant No.2 have appeared through counsel. The applicants as well as the non-applicant No.2 are present personally in Court. The non-applicant No.2 vouches for the correctness of the contents of the affidavit dated 28.07.2022 and she reiterates that the oral report leading to the registration of the FIR was submitted under misconception.

6. We are of the opinion that although the FIR pertains to serious offences, the facts brought to our notice indicate that the dispute leading to the registration of the FIR was essentially of a private nature and that the applicant and non-applicant No.2 have now settled their dispute. They are jointly seeking to put an end to the criminal proceedings, inadvertently initiated at the behest of the non-applicant No.2.

7. We are of the opinion that no useful purpose would be served by allowing the proceedings to continue and that it would be in the

interest of justice that the prayer made in the present application is granted.

8. Nonetheless, we are inclined to impose costs in the present application. Initially, we were inclined to impose costs on the applicants as well as the non-applicant No.2, but it is pointed out that after marriage between the applicant No.1 and non-applicant No.2, she is residing with the applicants in the matrimonial house and she submits that she is being treated properly.

9. In view of the above, we intend to impose costs only on the applicants.

10. In the light of the above, the application is allowed in terms of prayer clause (1) which reads as under:

“1.quash and set aside FIR bearing Crime No.513/2022 for the offence punishable under Sections 376(2)(n), 417, 506, 34 of the IPC registered with PS Digras, Yavatmal in the interest of justice.”

11. The said relief granted to the applicants is subject to the applicants depositing an amount of

Rs.25,000/- towards cost in the Account No.129710100025875 within four weeks from today. We direct that the amount shall be utilized for the purposes of Library of the Government Pleaders, High Court, Nagpur.

12. It is further made clear that if the applicants fail to deposit the amount within the stipulated period of time, the order passed today shall stand recalled.

[VALMIKI SA MENEZES, J.]

[MANISH PITALE, J.]