

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

CRIMINAL APPLICATION (APL) NO.1059/2022

Dipesh s/o Pralhad Pathode

..VS..

**The State of Mah., thr.its PSO Ganeshpeth, Nagpur, Tahsil and District Nagpur
and anr**

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

Court's or Judge's Order

.....
Mr.B.M.Kharkate, Counsel for the Applicant.
Mr.A.D.Kunil, Counsel for Non-applicant 2.
Mr.M.K.Pathan, Additional Public Prosecutor for the State.

CORAM : ROHIT B.DEO & URMILA JOSHI-PHALKE, JJ.

DATED : 12/10/2022

1. The applicant is seeking quashment of the First Information Report dated 18.6.2022 which is registered for offences punishable under Sections 376(2)(N), 417, 313 and 506 of the Indian Penal Code, primarily on the ground that the prosecutrix has no objection to quashing of the First Information Report since the applicant - accused and non-applicant 2 - prosecutrix have married on 15.7.2022.

2. Learned counsel Mr.B.M.Kharkate for the applicant has placed on record Certificate of Registration of Marriage substantiating the aforesaid statement.

3. We note the following observations of the coordinate bench in the order dated 10.8.2022:

"Para 6 : In the circumstances, in which the present application is filed, we are of the opinion that the complainant has taken the entire system for a ride whereby the Police machinery is triggered into

initiating investigation on allegations that appear to have been made only as pressure tactic to make the applicant come round to marry the complainant. We are also not sure as to what would be the fate of non-applicant No.2, if the application stands allowed today. In these circumstances, either way, we may consider imposing heavy costs, if this application is favourably considered in the future."

4. While we are inclined to allow the prayer seeking quashing of the First Information Report, in view of the observations of the earlier bench, we direct that the applicant and non-applicant 2 shall each deposit Rs.20,000/- in the Registry of this Court within two weeks.

5. If the amount of costs is deposited within two weeks, the said amount shall be remitted to the Superintendent Government Certified School for Girls (Sr/Jr), Katol Road, Nagpur having State Bank of India (Branch Chhaoni) Account No.30124932383.

6. If the amount of costs is not deposited, the application be listed on board under the caption "for dismissal".

(URMILA JOSHI-PHALKE, J.)

(ROHIT B.DEO , J.)

!! BrWankhede !!

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