

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

CRIMINAL APPLICATION(APL) NO.1069 OF 2022

APPLICANT :-

Rehan Ali Zamin Ali
Age 30 years, Occupation Govt. Service,
R/o Near BPL Tower, Chandra Nagar,
Bypass Road, Old Town Badnera,
Amdapur, District, Amravti 444701

...VERSUS...

NON-APPLICANTS :-

1. The State of Maharashtra, through Police Station Officer, Police Station Badnera, District Amravati.
2. Roshni Ravindra Warghat, Age 27 years, Occupation Nurse, R/o Dewra (Shahid), Taluka and District Amravati.

Mr.P. Mirza, counsel for the applicant.
Mr. S.S.Doifode, APP for non-applicant No.1 Stat.
Mr. V.R. Hamand counsel for respondent No.2.

CORAM : SUNIL B.SHUKRE &
M.W.CHANDWANI, JJ.

DATE : 07.12.2022.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

(1) Heard.

(2) Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

(3) It is submitted by learned counsel appearing for the applicant that the whole complaint made by respondent No.2 against the applicant is based upon a love affair between the applicant and the respondent No.2, which turned sour and which, led to developing misunderstanding between the two. He further submits that now this misunderstanding prevailing between the two has been cleared and both of them have reached a settlement that they do not wish to proceed further in the criminal case. Respondent No.2 has also agreed to withdraw all her allegations against the applicant, so submits the learned counsel for the applicant.

(4) Learned APP submits that an appropriate order in the matter be passed. Learned counsel for respondent No.2 submits that there is a compromise reached between the applicant and the respondent No.2 in terms of the joint pursis filed on record by

both of them and the terms and conditions stated therein are acceptable to the respondent No.2.

(5) Applicant and respondent No.2, both are personally present. They are identified by their respective counsel. Both of them state before the Court that now the misunderstanding that was existing between them has been cleared and that the terms and conditions noted in the joint puris are acceptable to both of them. They also state that this compromise has been reached between them voluntarily.

(6) Considering the submissions made on behalf of the applicant and respondent No.2, which submissions have been confirmed by applicant and respondent No.2, who are personally present before the Court and also the nature of allegations made in the FIR, we are of the view that the dispute lying at the core of the complaint made against the applicant is of private nature and therefore, this is a fit case for making interference in the matter, which is so necessary to prevent the abuse of process of law.

(7) In the result, the application is allowed in terms of it's prayer clause (a) which reads as under:

“(a) Allow the present application, and quash the First Information Report no.568/2022, registered against the applicant at police station Badnera, District Amravati for the offence punishable u/s 376(2)(n),417 and 506 of the Indian Penal Code, 3(1)(w)(r)(ii),3(2)(iv), 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act”.

(8) The applicant shall deposit an amount of Rs.10,000/- and respondent No.2 shall deposit an amount of Rs.5,000/- in the account of the office of the Government Pleader, High Court Bombay, Bench at Nagpur for the purpose of development of library within a period of four weeks from the date of the order, failing which these amounts shall be recovered by following due process of law from the applicants and respondent No.2 by treating those amounts as fine imposed by this Court.

(9) Rule is made absolute accordingly.

(M.W.CHANDWANI,J)

(SUNIL B. SHUKRE,J)