

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

CRIMINAL APPLICATION (APL) NO. 505 OF 2022

Rushika Sanjay Darvekar

Vs.

State of Maharashtra, Thru. PSO, PS Sadar, Nagpur City, Nagpur and anr.

WITH

CRIMINAL APPLICATION (APL) NO. 638 OF 2022

Shubham s/o Rammilan Gupta

Vs.

State of Maharashtra, Thru. PSO, PS Sadar, Nagpur City, Nagpur and anr.

WITH

CRIMINAL APPLICATION (APL) NO. 1009 OF 2022

Shubham Mahindra Rakshit

Vs.

State of Maharashtra, Thru. PSO, PS Sadar, Nagpur City, Nagpur 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. R.R. Vyas, Advocate for applicant in both applications.

Mr. M.J. Khan, APP for non-applicant No.1 in both applications.

Mr. A.S. Manohar, Advocate for non-applicant No.2 in both applications.

**CORAM : VINAY JOSHI, AND
VALMIKI SA MENEZES, JJ.**

DATE : 13.02.2023.

On oral request of learned counsel for
applicant in Criminal Application (APL) No.638 of
2022, leave granted to amend the petition to the

extent of raising additional prayer for quashing of the charge-sheet.

2. Amendment be carried out forthwith.

3. Since, incident in both crime co-relates with each other, for the sake of convenience, we have taken them together for disposal.

4. Criminal Application (APL) No.638/2022 is filed by one Shubham Gupta, seeking to quash FIR in Crime No.86/2022, registered with Police Station Sadar, District – Nagpur, for the offences punishable under Sections 354, 354-A, 323, 504 & 506 of the Indian Penal Code. The said crime was registered at the instance of non-applicant No.2 informant lady aged 23 years. She alleges that she had friendly relations with applicant due to old acquaintance. On 13.03.2022 at about 4:00 p.m. the applicant quarreled and outraged her modesty, in the same incident assaulted two persons, namely, Akshay Rahate and Shubham Rakshik for which the report.

5. Criminal Application (APL) Nos.505/2022 & 1009/2022 are filed for quashing of FIR bearing Crime No.87/2022 registered with same police station for the offence punishable under Sections

294, 324, 506 read with Section 34 of the Indian Penal Code. The accused of earlier offence has lodged a report stating the incident on same date wherein, he has been abused and assaulted by the applicants of both these applications.

6. From FIR it appears that there was a love affair in between Subham Gupta and informant lady, aged 23 years. On the date of occurrence, they went to the restaurant, where the incident took place, which gave rise to counter allegations made against each other. As regards to Crime No.86/2022 is concerned, the police have already filed charge-sheet, which is also sought to be quashed. In another crime, bearing Crime No.87/2022, charge-sheet has not been filed due to intervention of this Court.

7. The incident took place in between youths, who were educating at the relevant time. There appears to be love relationship which gave rise to the assault, raising allegations against each other. By the time, the parties are taking further education and realized about the consequences of pushing up their matter further. They have amicably settled the dispute and both informant have urged before us, to

quash FIR and related charge-sheet filed in one of the case.

8. So far as Crime No.86/2022 is concerned, informant lady and both injured are present before us, who have been identified by their respective counsel. They have conceded that the matter is settled and they do not desire to prosecute the criminal case. Likewise, informant of Crime No.87/2022 is present, who has equally conceded that he do not desire to prosecute the case against any of the accused.

9. Apparently, it was a fight amongst the students, which has reached to police station. The matter can not be stated to be of serious or heinous nature. It is a personal dispute arose out of love affair. The parties are moving ahead in the life having bright career and prospects. In view of that to secure the ends of justice, we deem it appropriate to quash both the proceedings.

10. Since, the police machinery was rotated and one of the matter is pending in Court, all applicants have showed their willingness to deposit Rs. 10,000/- in each application towards costs.

11. In view of above, all applications are allowed.

12. Crime No.86/2022, registered with Police Station Sadar, District – Nagpur, for the offences punishable under Sections 354, 354-A, 323, 504 and 506 of the Indian Penal Code, along with charge-sheet No.63/2022 in Criminal Case No.1790/2022, pending on the file of Judicial Magistrate First Class, Nagpur, is hereby quashed and set aside.

13. We also hereby quashed and set aside Crime No.87/2022, registered with Police Station Sadar, District – Nagpur, for the offences punishable under Section 294, 324, 506 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

14. Applicants shall deposit Rs.10,000/- in each application to the District Legal Services Authority, Nagpur, within a period of ten days from today.

15. The concerned Magistrate shall formally dispose of Criminal Case No.1790/2022, after ensuring that entire amount of Rs.30,000/-

(Rs.10,000/- in each application) has been deposited.

16. Inform concerned police station accordingly.

JUDGE

JUDGE