

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

CRIMINAL APPLICATION [APL] NO. 519/2023.

Prashant Ramdas Therkar,
Age 28 years, Occupation -
Service, resident of MU PO
Kanhargaon, Tahsil Nagbhid,
Kanhargaon, Chandrapur 441221. ... **APPLICANT.**

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station Talodhi,
Tahsil Nagbhid,
District Chandrapur.

2.XYZ
Crime No.135/2022, Police Station
Talodhi, District Chandrapur. ... **NON-APPLICANTS.**

Ms. B.V. Reddy, Advocate for the Applicant.
Mr. A.M. Kadukar, A.P.P. for Non-applicant No.1/State.
Ms.J.P. Junghare, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.

DATE : APRIL 17, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard finally by consent of the learned Counsel for the parties.

Admit.

2. This is an application seeking to quash the first information report bearing Crime No.135/2022 registered with Talodi Police Station, District Chandrapur for the offence punishable under Sections 376 [2][n] and 417 of the Indian Penal Code, as well as the related charge sheet bearing No.1/2023, on account of settlement in between the parties. Nagpur.

3. Non-applicant no.2/informant lady aged 25 years has lodged a report alleging that the applicant under false pretext of marriage has sexually abused her. However, as the applicant refused to marry, she has filed the report. The police have investigated the matter and filed the charge sheet for the aforesaid offences.

3

4. In the meantime the parties have settled their differences and married with each other on 09.02.2023. Certificate of registration of marriage issued by the competent Authority has been produced on record. Moreover, non-applicant no.2 has filed an affidavit-in-reply stating that though she has filed the report, however, now they have settled their differences and accordingly got married. They are now residing together.

5. Non-applicant no.2 is personally present in the Court and is identified by her Counsel. She has stated that they had a love affair, however, as there was initial reluctance on the part of the applicant for marriage, therefore under misconception she has filed the report. The informant has stated that she got married on 09.02.2023, and now from the date of marriage she is staying with the applicant at Hyderabad, where the later is serving. She has no grievance against the applicant, as now they are happily staying as husband and wife. It is stated that the informant is well matured educated lady, who has no objection to quash the first information report in the aforesaid circumstances.

Rgd.

6. Though the offence of rape has been registered, admittedly the informant was a grown-up well educated lady. It reveals that both were in love relationship, however, due to some misunderstanding the report has been lodged. By the time, both got married and are living together. In the circumstances, ends of justice can be secured by quashing the first information report, primarily to save the marriage between the duo. In view of this, we are satisfied that a case to invoke our inherent jurisdiction has been made out. Accordingly we proceed to pass the following order.

ORDER

- [i] Criminal Application is allowed and disposed of.
- [ii] The first information report bearing Crime No.135/2022 registered with Talodi Police Station, District Chandrapur for the offence punishable under Sections 376 [2][n] and 417 of the Indian Penal Code, as well as the related charge sheet bearing No.1/2023, is hereby quashed and set aside.

JUDGE

JUDGE