

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

CRIMINAL APPLICATION (APL) NO. 565 OF 2023

APPLICANT : Shrikant s/o Shrikishan Tayde
Aged – 31 yrs, Occu - Private
R/o Arjun Nagar, Near Water Tank,
Amravati, District Amravati.

V E R S U S

RESPONDENTS : 1. State of Maharashtra
Through P. S. O. ,Gadgenagar,
Amravati.
District Amravati.

2. XYZ (victim) through P.S.O.,
Gadgenagar in Crime No.2403/2021
dated 31.07.2021.

Mr. M. Rai, Advocate for applicant.
Mr. V.A.Thakre, Additional Public Prosecutor for respondent No.1.
Mr. V.T.Deshpande, Advocate for respondent No.2.

**CORAM:- VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.
DATED : 13/04/2023.**

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Admit.** Heard finally with the consent of learned
counsel appearing for the parties.

2. This is an application seeking to quash FIR in Crime
No.2403/2021 dated 31.7.2021 registered with Police Station
Gadgenagar, Amravati for offences punishable under Sections

376(2)(n) and 377 of the Indian Penal Code, on account of settlement. At the instance of report lodged by non-applicant no.2 - lady, Crime was registered. Non-applicant no.2 got married with the applicant on 18.2.2021. It is her case that soon after marriage, the behaviour of the applicant was improper. She alleges that the applicant forced her to consume liquor and had unnatural sexual relations. Besides that, she raises allegations about harassment meted out by the applicant.

3. Initially, the applicant has approached to this Court for quashing of the FIR, however, this Court has declined to entertain the application. Resultantly, Criminal Application No.1452/2022 has been withdrawn. Since it was domestic dispute between married couple, with the intervention of friends and relatives, the matter has been amicably settled. Both have decided to end matrimonial ties for which they had jointly applied to the competent Court for obtaining decree of divorce by mutual consent. It was decided that the husband would pay total sum of Rs.2,75,000/- towards permanent alimony. Since the matter is settled, the informant has now no objection for quashing FIR. She has also filed affidavit to that effect.

4. The informant lady is present before us. She has identified by Advocate B.T.Deshpande. On inquiry, the informant stated that the matter is settled and, therefore, she do not wish to prosecute the criminal case. She stated that out of matrimonial dispute, under misunderstanding she has lodged report against her husband. The informant also admits that she has received partial amount of Rs. 1,50,000/- by way of demand draft.

5. Though, the offence of rape and unnatural sexual intercourse has been registered, however, it was in between husband and wife. Both are young having no issue from the marriage. They decided to separate from each other so as to lead their life as per their choice. It is alleged that continuation of prosecution may put obstacles in their future plan of remarriage wish somebody else. Since everything arose out of domestic dispute, having regard to the peculiar facts of this case, we deem it appropriate to quash the concerned FIR and related Criminal Case. Certainly, quashing of the proceedings would meet the ends of justice.

6. In view of the above, application is allowed. We hereby quash and set aside the FIR in Crime No.2403/2021 dated

31.7.2021 registered with Police Station Gadgenagar, Amravati for offences punishable under Sections 376(2)(n) and 377 of the Indian Penal Code and related Sessions Case No.352/2021 pending on the file of Additional Sessions Court, Amravati.

[BHARAT P. DESHPANDE, J.]

[VINAY JOSHI, J.]

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