

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

CRIMINAL APPLICATION (APL) NO. 675 OF 2023

- | | | |
|--|---|---------------|
| 1. Preshit s/o Ujwal Hanwatkar
Aged about 29 years, Occ.: Business,
R/o. Plot No.10, Urvela Colony, Wardha
Road,
Near Ambedkar Bhawan, Nagpur. | } | ... Applicant |
|--|---|---------------|

Versus

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|---|---|--------------------|
| 1. State of Maharashtra,
Through Police Station Officer,
Umred Police Station,
Nagpur. | } | |
| 2. Karuna d/o Prabhu Meshram
Aged about 28 years, Occ.: Service,
R/o. Plot No.10, Urvela Colony,
Wardha Road, Near Ambedkar Bhawan,
Nagpur. | } | ... Non-applicants |

Mr. S.M. Patrikar, Advocate for applicant.

Mr. V.A. Thakare, APP for non-applicant No.1.

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

DATE : 09.06.2023.

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard finally by consent of both the learned counsel
for the parties.

(2) This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash FIR in Crime No.0157/2023 registered with Police Station Umred, District – Nagpur, for the offences punishable under Sections 376(2)(n) and 417 of the Indian Penal Code on account of settlement between the parties.

(3) The informant lady aged 28 years has lodged report alleging that the applicant/accused has sexually exploited her. At the relevant time the informant was 27 years of age. The matter has been amicably settled in between the parties resulting into both of them getting married on 11.04.2023. The marriage certificate has been produced on record. The informant has filed her affidavit-in-reply stating about her non-inclination to prosecute the accused who is now her husband. She stated that from the date of marriage, she is living happily with the accused. Since the marriage took place on 11.04.2023, on last date the matter was adjourned with a view to see whether they are residing together with the intention to live as husband and wife. Today also the informant is present and reiterated her stand that they are married, living together, and she do not wish to prosecute the criminal case.

(4) The informant lady is serving with State Government as a Staff Nurse in the Rural Hospital, Umred, District – Nagpur. At the time of alleged occurrence she was major having good deal of understanding. In above peculiar facts continuation of criminal prosecution would be obstacle for their smooth matrimonial life. Facing such exceptional circumstances in the betterment of couple, we deem it appropriate to exercise our inherent jurisdiction to secure the ends of justice.

(5) In view of above, the application is allowed. We hereby quash and set aside the FIR in Crime No.0157/ 2023 registered with Police Station Umred, District – Nagpur, for the offences punishable under Sections 376(2)(n) and 417 of the Indian Penal Code.

(6) The application stands disposed in above terms.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

Prity

Signed By:PRITY S GABHANE
Reason:
Location:
Signing Date:13.06.2023 12:10