

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

CRIMINAL APPLICATION [APL] No. 687/2023.

Anand @ Kalpesh Navaratmal
Samdariya, Aged about 28 years,
Occupation- Private, resident of
Opposite to Dr. Kale Hospital, Wani,
District Yavatmal. ... **APPLICANT.**

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Wani, District Yavatmal.

2.XYZ
Crime No.340/2016 dated 05.05.2016,
through PSO Wani, District Yavatmal. ... **NON-APPLICANTS.**

Mr.M.N. Ali, Advocate for the Applicant.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1/State.
Mr. Rizwan Ali, Advocate for Non-applicant No.2.

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

DATE : MAY 03, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Considering the controversy involved in the matter and by consent of the learned Counsel for the parties, the matter is taken up for final disposal.

Admit.

2. This is an application in terms of Section 482 of the Code of Criminal Procedure for quashing of the first information report bearing Crime No.340/2016 registered with the Wani Police Station, District Yavatmal for the offence punishable under Section 384 of the Indian Penal Code, Sections 66[A], 67[A], 67 of the Information Technology Act and related case bearing Regular Criminal Case No.269/2016 pending on the file of Judicial Magistrate, First Class, Wani, District Yavatmal, on account of settlement.

3. It is informant's case that she had love affair with the applicant. They had relationship, in which the applicant took her obscene photographs. The informant was about to marry with one

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fellow, to whom the applicant met and shown the objectionable photographs of the informant, so also he has forwarded the said photographs to said person on mobile. It is alleged that the applicant had demanded money from the informant by threatening her to expose her obscene photographs, hence, the offence. The police have investigated the matter and filed charge sheet. It is informed that though charge has been framed, evidence has not commenced.

4. It is submitted that the informant lady has married with said fellow, who has been referred in the first information report. During the pendency of the trial, with the intervention of relatives, the matter has been settled. The informant lady has filed reply stating about settlement and her non-inclination to prosecute the criminal case. The informant lady is present before the Court and is identified by Advocate Shri Rizwan Ali. The informant lady has accepted the terms of settlement and stated about her no objection for quashing of the criminal prosecution.

5. The applicant has filed separate undertaking stating that the objectionable photographs, video etc., if any with him, he will destroy the same immediately. The said undertaking is taken on record and marked as "A" for identification. We accept this as an undertaking given to the Court. It is brought to the notice of the applicant that due to lodging of the first information report in the year 2013, investigation was carried out and charge sheet is filed. Criminal case is pending in the Court of Magistrate for long period of 8 years. Obviously, the learned Magistrate has taken various steps, including efforts to secure presence of the applicant, for which time of Court was exhausted. At this juncture, the learned counsel for the applicant, on instructions states that the applicant would deposit an amount of Rs.25,000/- towards cost.

6. The alleged offence is about attempted extortion and under the provisions of Information Technology Act. In order to maintain good relations, parties have amicably settled the matter. The informant lady is not intending to prosecute the criminal case. Having regard to the peculiar facts, we find no impediment in

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quashing the proceeding. In view of above, following order is passed.

ORDER

- [i] Criminal Application is allowed and disposed of.
- [ii] The first information report bearing Crime No.340/2016 registered with the Wani Police Station, District Yavatmal for the offence punishable under Section 384 of the Indian Penal Code, Sections 66[A], 67[A], 67 of the Information Technology Act and related case bearing Regular Criminal Case No.269/2016 pending on the file of Judicial Magistrate, First Class, Wani, District Yavatmal is hereby quashed and set aside.
- [iii] The applicant to deposit an amount of Rs.25,000/- with the High Court Bar Association, Nagpur within a period of one week.
- [iv] List the matter for reporting compliance on 05.06.2023.

JUDGE

JUDGE