

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

CRIMINAL APPLICATION (APL) NO. 1592 OF 2022

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| 1. Anwar Ahmad Iftekar Ahmad
Aged about 40 years,
Occupation : Private Job,
R/o. Asma Colony, Nagpuri Gate,
Amravati, Tq. & Dist. Amravati. | } | ... Applicant |
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Versus

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| 1. State of Maharashtra,
Through Police Station Officer,
Police Station Nagpuri Gate,
Amravati City, Dist. Amravati. | { | ...Non-applicants |
| 2. Mubashera Firdos w/o Amir Ahmad
Aged 21 years, Occ.: Household,
R/o. Near Samina Kirana Shop,
Gulista Nagar, Tipu Sultan Chowk,
Tq. & Dist. Amravati. | } | |

Mr. S.B. Gandhe, Advocate for applicant.

Mr. A.M. Kadukar, APP for non-applicant No.1.

Mr. Uttam V. Chakravorty, Advocate for non-applicant No.2.

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

DATED : 27.04.2023.

ORAL JUDGMENT : (PER: Vinay Joshi, J.)

Criminal Application (APPP) No.679/2023

. This is an application seeking for amendment on
account of filing of charge-sheet. The application is allowed.

- (2) Amendment be carried out forthwith.
- (3) The application is disposed of.
- (4) **Admit.** Heard finally by the consent of the learned counsel for the respective parties.
- (5) This is an application in terms of Section 482 of the Code of Criminal Procedure, seeking to quash FIR in Crime No.481/2022, registered with Police Station Nagpuri Gate, District - Amravati, for the offence punishable under Sections 354, 354-A and 506 of the Indian Penal Code, along with related Criminal case bearing RCC No.1764/2022, pending on the file of Judicial Magistrate First Class, Court No.10, Amravati, on account of settlement in between the parties.
- (6) The applicant is a brother of the husband of informant lady. The informant got married with the applicant's brother on 06.03.2022 and started to reside along with her husband as well as the applicant. It is her contention that the applicant time to

time made sexual advances and as such, sexually harassed her, therefore, the report. The parties have amicably settled the dispute, rather it was decided in between the informant and her husband that they would sever the matrimonial ties, against which the husband would pay sum of Rs.5,00,000/- (Rs. Five Lakhs only) towards full and final settlement. They have also decided that the informant would withdraw/assist to withdraw the exiting criminal case filed by her against applicant. In that regard, they have executed a deed of settlement which is tendered on record. In view of said settlement, the informant is not intending to prosecute the existing criminal case.

(7) In view of settlement, the informant has also filed affidavit reply-cum-affidavit stating about the settlement, receipt of sum of Rs.5,00,000/- (Rs.Five Lakhs only) and her no objection to quash the entire criminal prosecution. Today, the informant is present in Court along with her Uncle namely Mr.Mushtaka Khan. The informant lady is identified by her Advocate Mr.Uttam V. Chakravarty. We have enquired with the informant, on which, she has admitted about the settlement, receipt of sum and her no objection to quash FIR.

(8) The alleged offence is of sexual harassment, which in fact amongst the family members. Now, the couple has decided to separate from each other and as a part of settlement, the wife has received the sum and also agreed for not prosecuting existing criminal case. The alleged offence cannot be termed as heinous or anti social. Since, there has been amicable settlement, we deem it appropriate to invoke our extra ordinary jurisdiction.

(9) In view of that, the application is allowed. We hereby quash and set aside the FIR in Crime No.481/2022, registered with Police Station Nagpuri Gate, District - Amravati, for the offence punishable under Sections 354, 354-A and 506 of the Indian Penal Code, along with related Criminal case bearing RCC No.1764/2022, pending on the file of Judicial Magistrate First Class, Court No.10, Amravati.

[BHARAT P. DESHPANDE, J.]

[VINAY JOSHI, J.]

Prity