



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

CRIMINAL APPLICATION NO. 691 OF 2024

Jasmika w/o Hitesh Kotangale

..vs..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.N. Mate, Advocate for the applicant.

Shri Doifode, Addl.P.P. for the State.

Shri Sanjay Mishra, Advocate for the non-applicant no.2.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 30/04/2024.

. Heard. **ADMIT.**

2. Heard finally with the consent of learned Counsel appearing for the parties.

3. This is an application seeking to quash the criminal prosecution bearing R.C.C. No.185 of 2019 arising out of Crime bearing First Information Report No.M-1/2018 registered with the Durgapur Police Station, District Chandrapur for the offence punishable under Sections 415, 417, 406, 495, 496, 386, 506(2) read with Section 34 of the Indian Penal Code, on account of settlement.

4. It is the prosecution case, that applicant though married with somebody, she has concealed her prior marriage and by deceitful means got married with non-applicant no.2 the informant. Moreover, she gave threats, cheated and extorted sum from the informant, therefore, the report. The Police have investigated the matter and

filed the charge-sheet. It is informed that yet, the Trial Court has not frame charges. The matter has been amicably settled between the parties. The informant has filed a reply cum affidavit stating that he has received all cheated amount and now, he do not wish to prosecute the criminal case. He has also filed a separate Pursis stating that he also did not wish to go on against the co-accused Vinod Mohod also. The informant is present before the Court, who is identified by his Advocate Shri Sanjay Mishra. The informant stated that the matter is settled considering that both are residing in the same area. To maintain the peace and harmony, they have settled the matter. On our query, the informant equally stated about the settlement and his no objection to quash the proceedings against all the accused.

5. The offence cannot be stated as heinous or anti social. It was a private affair between two, which took equal term by way of registration of FIR and filing of charge-sheet. Since the matter is settled, continuation of prosecution amounts to abuse of the process of Court. We have reminded the parties that due to registration of FIR, the Police required to investigate the matter and filed the charge-sheet. Moreover, the Court of Magistrate was took several steps since last five years to proceed with the case. At this stage, learned Counsel for the applicant made a statement that the applicant would deposit the cost of Rs.20,000/- towards the costs.

6. In view of the above, the application is allowed. We hereby quash and set aside the entire criminal prosecution bearing R.C.C. No.185 of 2019 arising out of

First Information Report No.M-1/2018 registered with the Durgapur Police Station, District Chandrapur for the offence punishable under Sections 415, 417, 406, 495, 496, 386, 506(2) read with Section 34 of the Indian Penal Code, against all the accused.

7. The applicant shall deposit sum of Rs.20,000/- with the Government Pleader's Library, Nagpur on or before 08.05.2024.

8. Stand over to 09.05.2024 of noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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