



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

CRIMINAL APPLICATION NO. 1030 OF 2024

Akash Shankar Bembare and ors.

..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 A.A. Dhawas, Advocate for the applicants.
Mrs S. Dhote, Additional Public Prosecutor for the State.
Shri A.D. Ramteke, Advocate for non-applicant no.2.

CORAM: VINAY JOSHI AND ABHAY J. MANTRI, JJ.
DATED : 12/11/2024.

Heard.

2. This is an application seeking to quash the First Information Report no.498 of 2024 registered at Gittikhadan Police Station, Nagpur City for the offence punishable under Sections 376(2)(n), 504, 506, 420 read with Section 34 of the Indian Penal Code, on account of mutual settlement.

3. The informant lady aged 28 years has lodged the report alleging the offence of rape. The facts in brief are that in the year 2015 both got acquainted with each other. Later, they decided to marry and accordingly, engagement ceremony was also held. However, thereafter there were some differences due to which marriage was not materialized. In the meantime, they had sexual relations, therefore, the informant has lodged the report.

4. In the meantime, the parties have settled the internal differences as well as got married. The informant has filed an affidavit stating that their marriage was performed on 30.09.2024 and she is happily staying with her husband i.e. the applicant. The marriage registration certificate has also been tendered on record.

5. Both are presently staying at Bengaluru as husband and wife. The learned Counsel for the informant is present before us. The informant has appeared through video call from Bengaluru. The learned Counsel for the informant has identified her. Since there were technical glitches as the audio is not clear, we have interacted with the informant around 11.50 a.m. through video call made from the mobile of learned Counsel for the applicant Shri Dhawas bearing mobile No.8275396607. She has specifically stated that the matter is settled, she got married with the applicant and thus, do not want to prosecute the criminal case.

6. It reveals that the informant is a major lady aged 28 years. Already the engagement ceremony was held, however out of differences the marriage was earlier not materialized resulting into filing of the report. It is apparent that, later on, couple got married on 30.09.2024 and residing happily. Obviously, continuation of prosecution would become hurdle in their matrimonial life. Well being of the informant lady is the major consideration for us. Keeping in mind the peculiarity of the case, we are inclined to exercise our inherent jurisdiction.

7. In view of the above, the criminal application is allowed. We hereby quash and set aside the First Information Report no.498 of 2024 registered at Gittikhadan Police Station, Nagpur City for the offence punishable under Sections 376(2)(n), 504, 506, 420 read with Section 34 of the Indian Penal Code.

8. The application stands disposed of accordingly.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)