



Judgment

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

CRIMINAL APPLICATION (APL) NO. 1350/2024

Rizwan @ Bablu Rafiq Gori,
Age 35 yrs., Occ. Driver,
R/o. Indira Nagar, Patanbori,
Tal. Kelapur, Dist. Yavatmal.

... **APPLICANT**

VERSUS

1. The State of Maharashtra,
through PSO of Police Station
Tal. Pandharkawda, Dist. Yavatmal.
2. XYZ,
Crime No. 950/2024
Police Station Pandharkawda,
Dist. Yavatmal.

...**NON-APPLICANTS**

Mr. P. Mirza, Advocate for applicant.
Mrs. M. Deshmukh, APP for non-applicant No.1.
Mr. Y.J. Sheikh, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 25.09.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

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3. This is an application seeking to quash First Information Report vide Crime No. 950/2024 registered with Police Station Pandharkawada, Dist. Yavatmal for the offence punishable under Sections 74, 78, 351(2), 351(3) of the Bhariya Nyay Sanhita, 2023, Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012 on account of settlement.

4. The informant girl aged 17 years has lodged report about outraging her modesty by applicant. The parties have amicably settled the dispute out of the Court. The informant lady has appeared before us accompanied by her Father Zaheeruddin Quazi Sirajuddin Quaji, uncle Merajuddin Quazi Sirajuddin Quazi and stated that they have no objection to quash the proceeding on account of settlement. Non-applicant No.2 has filed reply-affidavit stating about her no objection. Father has stated in his affidavit that mother of victim has also consented for quashing of the prosecution. The allegations are restricted to the extent of applicant expressing his love and thereby outraged modesty.

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5. Considering the marital prospect of a young girl, the parent are not inclined to go with the prosecution. They have also submitted that pendency of case may become an obstacle in her educational and marital prospect. Though the applicant is involved in the offence committed under the special Act, however the offence can not be termed as heinous. The parties are living in the same vicinity. In order to maintain cordial relations, they have settled the matter.

6. Having regard to above peculiar facts, we are inclined to exercise our inherent powers. In view of that application is allowed. We hereby quash and set aside First Information Report vide Crime No. 950/2024 registered with Police Station Pandharkawada, Dist. Yavatmal for the offence punishable under Sections 74, 78, 351(2), 351(3) of the Bhartiya Nyay Sanhita, 2023, Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012 on account of settlement.

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7. Application stands disposed of in above terms.
8. The learned counsel for applicant expressed to deposit cost of Rs. 10,000/- for rotating Police machinery.
9. The applicant to pay cost of Rs. 10,000/- to the High Court Bar Association, Nagpur within a period of one week.
10. Stand over to 03.10.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)