



Judgment

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

CRIMINAL APPLICATION [APL] NO. 1527/2023.

1.Yuvraj s/o Panjabrao Bhadange,
Aged about 36 years, Occupation –
Agriculturist,

2.Prashant s/o Panjabrao Bhadange,
Aged about 37 years, Occupation –
Agriculturist,

3.Chabutai w/o Panjabrao Bhadange,
Aged about 68 years, Occupation –
Household,

All resident of Ghatladki, Tehsil
Chandurbazar, District Amravati.

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APPLICANTS.

VERSUS

1.State of Maharashtra,
Through Police Station Officer,
Police Station Brahmanwada Thadi,
Tq. Chandurbazar, District Amravati.

2.XYZ (Victim),
Crime No.372/2023,
PSO, PS Brahmanwada Thadi,
Tq. Chandurbazar, District Amravati.

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NON-APPLICANTS.

Rgd.

Mr. P.R. Agrawal, Advocate for Applicants.
Mr. I.J. Damle, A.P.P. for Non-applicant No.1.
Mr. A.S. Ambatkar, Advocate for Non-applicant No.2.

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

DATE : APRIL 26, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. Admit.

By consent of the learned Counsel present for the parties,
the matter is taken up for final disposal.

3. This is an application seeking to quash the first
information report bearing Crime No.372/2023 registered with
Brahmanwada Thadi Police Station, District Amravati for the offence
punishable under Sections 376[2][n], 417, 354, 504 and 506 of the
Indian Penal Code, on merits and on account of settlement.

Rgd.

4. The informant lady aged 30 years got married prior to 10 years with one Hitesh. In the year 2016, she got acquainted with the applicant no.1 and love relationship developed. They had physical relations on and often. It is the case of the informant that the applicant no.1 has promised to marry and has sexually abused her. The other applicants have assisted applicant no.1, therefore, the report.

5. It reveals that the informant is a grownup married lady, aged 30 years. It further reveals that love relationship was going on for a period of 6 years, hence, it is difficult to accept the story that under false pretext of marriage she was sexually abused, since she came with a case of earlier marriage. Besides that, the informant has appeared in the proceedings and by filing reply, gave her no objection to quash the criminal prosecution. It is strange to note that within three days of registration of the first information report, the informant got married with the applicant no.1 by saying that she has already obtained divorce from erstwhile husband.

6. Be that as it may, applicants have produced marriage registration certificate showing that both of them got married on 28.09.2023. Considering the peculiar facts, continuation of prosecution would amount to an abuse of the process of law. Moreover, continuation of the prosecution would be detriment to the marriage life of the informant herself. In such facts, we are inclined to exercise our inherent jurisdiction. Hence the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The first information report bearing Crime No.372/2023 registered with Brahmanwada Thadi Police Station, District Amravati for the offence punishable under Sections 376[2][n], 417, 354, 504 and 506 of the Indian Penal Code, is hereby quashed and set aside.

JUDGE

JUDGE

Rgd.