



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

CRIMINAL APPLICATION (APL) No.776 OF 2024

Vidya D/o. Raju Kale,
Age about 24 years,
Occupation : Labour,
R/o. Dusshera Maidan, Amravati. : APPLICANT

...VERSUS...

1. State of Maharashtra,
through Police Station Gadge Nagar,
Amravati.
2. Sarang s/o. Keshavrao Admane,
Age about 33 years,
Occupation : Service,
R/o. Sainik Colony, MIDC Road,
Amravati. : RESPONDENTS

Mr. Y.S. Jaiswal, Advocate for applicant.
Mr. A.B. Badar, APP for respondent No.1.
Mr. S.V. Sirpurkar, Advocate for respondent No.2.

CORAM : VINAY JOSHI AND SANJAY A. DESHMUKH, JJ.
DATE : 9th OCTOBER, 2024.

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

1. Admit.
2. Heard finally with the consent of the learned counsel for the parties.

3. This is an application seeking to quash the criminal prosecution bearing Regular Criminal Case No.1858/2023 arising out of Crime No.427/2023, registered with Police Station Gadge Nagar, Amravati, for the offence punishable under Sections 384, 385, 386 of the Indian Penal Code and Section 66(c) of the Information Technology (Amendment) Act, 2008 on account of settlement.

4. It is informant's case that on 20th July, 2022 around 11.45 a.m. he came across that applicant has created his fake Instagram account. She gave threats and put the applicant under fear of defamation and thereby dishonestly induced to deliver money and, therefore, the offence. The Police have investigated the matter and filed the charge-sheet. It is brought to our notice that in all six reports have been lodged by the informant against the applicant whilst the applicant lady has lodged report about sexual assault against the informant. The parties have settled the dispute out of Court and decided to withdraw rival proceedings.

5. In accordance with settlement the informant has filed reply stating about the settlement and no objection to quash the proceeding. The informant has appeared before us and gave no objection. The offence cannot be termed as heinous or antisocial. In the

circumstances, continuation of prosecution amounts to abuse of the process of the Court.

6. In view of above, the application is allowed.

7. The criminal prosecution bearing Regular Criminal Case No.1858/2023 pending on the file of learned Judicial Magistrate, First Class, Amravati arising out of Crime No.427/2023, registered with Police Station Gadge Nagar, Amravati, for the offence punishable under Sections 384, 385, 386 of the Indian Penal Code and Section 66(c) of the Information Technology (Amendment) Act, 2008 is hereby quashed and set aside.

8. The criminal application is disposed of.

(SANJAY A. DESHMUKH, J.)

(VINAY JOSHI, J.)