



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

CRIMINAL APPLICATION (APL) No.777 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 Rajapeth,
Amravati.
2. Mrs. Monali w/o. Sarang Admane,
Age about 29 years,
Occupation : Household,
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 proceeding bearing Regular Criminal Case No.869/2023 arising out of Crime No.796/2022, registered with Police Station Rajapeth, Amravati, for the offence punishable under Sections 452 and 504 of the Indian Penal Code on account of settlement.

4. It is informant's case that on the date of occurrence the applicant lady forcibly entered in her house, gave threats and by abusing created annoyance and, therefore, the report. 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's husband. 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 proceedings. 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.869/2023 pending on the file of learned Judicial Magistrate, First Class, Amravati arising out of Crime No.796/2022, registered with Police Station Rajapeth, Amravati, for the offence punishable under Sections 452 and 504 of the Indian Penal Code is hereby quashed and set aside.

8. The criminal application is disposed of.

(SANJAY A. DESHMUKH, J.)

(VINAY JOSHI, J.)