



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

CRIMINAL APPLICATION (APL) NO. 1294 OF 2024

1. Lata Santosh Sukhdhane,
Aged about 38 years, Occu.- Household,
R/o. Galli No.1, Chatrapati Nagar,
Wadgaon Kolhati, Aurangabad.
2. Jyoti Gambhir Khodke,
Aged about 40 years, Occ.- Household,
R/o. Nagapur, Tah. Mehkar, Dist. Buldhana.
3. Anusaya Gulab Narwade,
Aged about 70 years, Occ. Household,
R/o. Gohgaon Hade, Tah. Risod,
Dist. Washim.
4. Dadarao Gulab Narwade,
Aged about 36 years, Occ.- Household,
R/o. Gohgaon Hade, Tah. Risod,
Dist. Washim.
5. Sanghpal Gulab Narwade,
Aged about 25 years, Occ. Labour,
R/o. Gohgaon Hade, Tah. Risod,
Dist. Washim.

... APPLICANTS

...VERSUS...

1. State of Maharashtra,
Through PSO, PS Risod, Dist. Washim.
2. XYZ, Crime No.331/2021,
PS Risod, Dist. Washim.

...NON-APPLICANTS

Mr. M. N. Ali, Advocate for Applicants.
Mr. N. H. Joshi, A.P.P. for Non-applicant/State.
Ms. G. Ansari, Advocate h/f Mr. Rizwan Jafar Ali, Advocate for Non-applicant No.2.

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

DATED :- **27.09.2024**

ORAL JUDGMENT (PER : VINAY JOSHI, J.):

1. Heard.
2. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.
3. This is an application seeking to quash criminal prosecution bearing Sessions Trial No.43/2022 arising out of First Information Report vide Crime No.331/2021 registered with Police Station, Risod, District Washim for the offence punishable under Sections 376, 376(2)(f)(n), 313, 498-A, 323, 294 of the Indian Penal Code on account of settlement.
4. The informant lady got married with applicant No.4 Dadarao in the year 2011. Out of the said wedlock she had two issues. She alleges that in the year 2016, under threat she has been sexually exploited by her brother-in-law i.e. applicant No.5. Likewise, rest of the applicants, who are husband and relatives of the husband have harassed her, therefore, she has lodged report.
5. The allegations to the extent of offence punishable under Section 376 of the Indian Penal Code are against applicant No.5 only, whilst matrimonial harassment is alleged against all. It is informed that yet the Trial Court has not framed charges.

6. Though there was a matrimonial discord, however, with the aid and intervention of relatives, dispute has been settled. The informant lady has filed a reply stating that the relationship was consensual and now as the matter is settled, she does not wish to go on with the prosecution. The informant is present before us, who is identified by her Counsel. The informant stated that since last two years, she is residing with her husband since the matter is settled. She urged to quash the proceedings as the pendency of prosecution would become a hurdle in her matrimonial life. She has also stated that the future of her minor kids would be in dark in case the prosecution is continued.

7. Though there are serious allegations against applicant No.5, however, it reveals that parties are related to each other. The allegation of sexual assault is against the brother-in-law. By the time, there was reunion of couple and they are living under one roof. One can easily foresee that if the prosecution is continued, the husband may not allow her to stay and that would be at the detriment to the interest of lady as well as to the minor kids. The informant stated that from last two years she is happily residing with her husband. Considering the peculiarity of facts, to secure the ends of justice, we are inclined to exercise our inherent jurisdiction. The learned Counsel for the applicants expressed that the applicants would deposit sum of Rs.25,000/- for rotating police as well as Court machinery.

8. In view of above, the application is allowed. We hereby quash and set aside the criminal prosecution bearing Sessions Trial No.43/2022 arising out of First Information Report vide Crime No.331/2021 registered with Police Station, Risod, District Washim for the offence punishable under Sections 376, 376(2)(f)(n), 313, 498-A, 323, 294 of the Indian Penal Code against the applicants only.

9. The applicants shall deposit sum of Rs.25,000/- towards costs with the Government Pleader's Library within the period of two weeks from today.

10. The matter be placed on 14.10.2024 for reporting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)