



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

CRIMINAL APPLICATION (APL) NO. 1480 OF 2024

1. Avinash s/o Madhukar Tatke,
Aged about 34 yrs, Occ. Service,
R/o.Chikli Kasvi, Tal. Murtizapur,
District Akola

2. Aniket s/o Sukhdev Ingle,
Aged about 20 yrs, occ. Student,
R/o. Jamb, Tal. Mangrulpir,
Dist Washim

..... **APPLICANTS**

...V E R S U S...

1. The State of Maharashtra,
Through Police Station Murtizapur,
District Akola

2. XYZ
Victim in Crime No. 277/2024
PSO, PS Murtizapur, District Akola

.....**NON-APPLICANTS**

Mr. A.M. Tirukh, Advocate for applicants.
Mrs. Mayuri Deshmukh, APP for respondent No.1 /State

CORAM:- VINAY JOSHI & ABHAY J. MANTRI, JJ.
DATE : 21.10.2024

JUDGMENT (Per : Vinay Joshi, J.)

Heard. Rule. Rule made returnable forthwith. Heard
finally with consent of learned Counsel for the parties.

2. This is an application seeking to quash First Information Report (FIR) 277/2024, registered with Police Station Murtizapur, District Akola, for offence punishable under Sections 64,89 and 3(5) of the Bhartiya Nyay Sanhita, 2023, arising out of settlement.

3. It is the informant's case that due to matrimonial differences, she started to reside separately from her husband. She got acquainted with main accused Prathmesh through social media. Later on, love relationship was developed with Prathmesh who has sexually exploited the informant by assuring for marriage. So far as applicants, who are brother and maternal uncle of Prathmesh are concerned, it is alleged that they joined in assaulting the informant and thus caused to abort her child. She alleges that Prathmesh and his relatives including both the applicants have assaulted at her abdomen while she was pregnant and caused miscarriage. On that basis, she has lodged report alleging the offence of rape against co-accused Prathmesh and offence of causing miscarriage against the rest.

4. The matter has been amicably settled between the parties. The principle allegations are not against the applicants who

are brother and maternal uncle of the main accused. The informant lady has filed affidavit stating that the matter has been amicably settled. She has appeared before us through advocate and affirmed the contents of reply and about her no objection to quash the proceedings to the extent present applicants. The informant stated that since both the applicants who are relatives of main accused were supporting Prathmesh, out of anger, she has implicated them in the crime.

5. The matter has been amicably settled. The allegations against the applicants are to the extent of provisions of Section 89 of BNS (Section 313 of the I.P.C.). The offence cannot be termed as a heinous or anti-social and since the informant is not inclined to go on with prosecution, continuation of trial thus would be futile exercise.

In view of the above peculiar facts, we are inclined to exercise inherent powers.

The application is allowed. We hereby quash and set aside First Information Report (FIR) 277/2024, registered with Police Station Murtizapur, District Akola, for offence punishable under Sections 64,89 and 3(5) of

the Bhartiya Nyay Sanhita, 2023, to the extent of applicants, namely, Avinash s/o Madhukar Tatke and Aniket s/o Sukhdev Ingle, only.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)

R. Belkhede,
Personal Assistant