



Judgment

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

CRIMINAL APPLICATION (APL) NO. 16/2025.

Shaikh Wasim Shaikh Yasin,
Age 25, Occu - Business,
resident of Asir Colony, Amravati,
Tahsil and District Amravati.

... **APPLICANT.**

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Nandgaon Peth, District Amravati.

2.XYZ in Crime No.205/2024
through Police Station Officer,
Nandgaon Peth, District Amravati.

... **NON-APPLICANTS.**

Mr. M.A. Menon, Advocate h/f. Mohd. Amin Mohd. Salim, Advocate
for the Applicant.

Mr. S.A. Ashirgade, Addl.P.P. for Non-applicant No.1.
Ms. R. Khapecar, Advocate for Non-applicant No.2.

CORAM : NITIN B. SURYAWANSHI AND
PRAVIN S. PATIL, JJ.

DATE : FEBRUARY 11, 2025.

Rgd.

ORAL JUDGMENT (Per Nitin B. Suryawanshi, J.) :

Rule. Rule is made returnable forthwith. By consent of the learned Counsel for parties, the matter is taken up for final disposal.

2. This application is filed under Section 482 of the Criminal Procedure Code read with Section 528 of the Bhartiya Nagrik Suraksha Adhiniyam, 2023 for quashing first information report No.0205/2024 registered with Nandgaon Peth Police Station, District Amravati for offences under Sections 376 and 376[2][n] of the Indian Penal Code, registered at the instance of non-applicant no.2.

3. In short it is alleged in the first information report that non-applicant no.2 had come to her maternal uncle's residence for study. She was taking education in B.Sc. Final year at Maulana Azad Open University. She used to meet applicant. Applicant proposed to her and there was positive response from her end. In March, 2023

Rgd.

applicant established physical relations with her on the pretext of marriage. Thereafter their physical relations continued from time to time. When non-applicant no.2 informed the applicant that she is pregnant, applicant refused to marry her and said that he is not willing to perform marriage with her.

4. Non-applicant no.2 has caused her appearance and filed affidavit stating that she has performed marriage with applicant on 29.07.2022. The first information report was lodged by her due to pressure of her parents. She is residing with the applicant and leading happy married life, she therefore, does not wish to proceed further with the matter.

5. Applicant and non-applicant no.2 are present in the Court, they are identified by their respective Advocates. Non-applicant no.2 confirms that she is leading happy married life with the applicant and she does not wish to prosecute the first information report. She has amicably settled the matter without there being any pressure from anybody.

6. In view of the affidavit of non-applicant no.2 and her confirmation in the Court that she is leading happy married life with the applicant, no useful purpose will be served by continuing prosecution against the applicant. On the contrary it's continuation would be an abuse of process of law. Taking into consideration these facts, the application deserves to be allowed. Hence the order.

The first information report No.0205/2024 registered with Nandgaon Peth Police Station, District Amravati for offence under Sections 376 and 376[2][n] of the Indian Penal Code, is hereby quashed and set aside.

7. Rule is made absolute in the aforesaid terms.

JUDGE

JUDGE