



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

Criminal Application (APL) No. 446 of 2020

1. Ku. Pooja D/o Sureshrao Dakre
Aged about 27 years, Occ.: Student,
R/o Building No. 12-B, Plot No. 106,
Deepcity Washi, New Mumbai (Maharashtra) ... **Applicant**

// VERSUS //

1. Superintendent of Police, Wardha
2. Police Station In-charge
Aarvi, District Wardha
3. Dr. Mohan Bhanudasji Sute,
Age : Major, Occupation : Doctor
R/o Government Quarter, Aarvi,
District Wardha, Maharashtra ... **Non-applicants**

Shri Mahesh V. Rai, Advocate for the applicant.

Shri S.S.Doifode, APP for the non-applicant/State.

Mrs. Seema Dhotre, Advocate for the non-applicant no.2.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 3rd APRIL, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

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

2. By this application filed under Section 482 of Code of Criminal Procedure, the applicants are seeking to quash and set aside the Regular Criminal Case No. 865 of 2020 pending before Judicial

Magistrate First Class, Arvi, District Wardha arising out of Charge-Sheet No. 312 of 2020 dated 27th June, 2020 for the offence punishable under Sections 188, 505(1)(b) of Indian Penal Code, Section 54 of Disaster Management Act and Section 3 of Epidemic Disease Act.

3. Prosecution case in short is that : On 25th July, 2020, the applicant came from Mumbai to Nagpur by Air and thereafter went from Nagpur to Arvi by four-wheeler, at that time due to pandemic of Covid-19 certain guidelines were imposed of quarantine of citizens who travelled from one area to other and same was made mandatory. However, applicant has opposed her institutional quarantine. She raised the dispute and quarrel with the Government Hospital employees. Due to this non-applicant no.3 informed the police regarding behaviour of applicant on that basis offence under Sections 188, 505(1)(b) of Indian Penal Code, Section 54 of Disaster Management Act and Section 3 of Epidemic Disease Act was registered at Police Station Arvi, District Wardha.

4. Applicant challenges the registration of offence before this Court by present application. Non-applicant no. 3 on appearance filed affidavit dated 18th July, 2024 stating that he has not lodged any

complaint against the applicant. He has only informed the police station about misbehavior of applicant. It is the police who has lodged the First Information Report against the applicant. As such, non-applicant no.3 is not willing to contest the matter and has no objection for quashing of the First Information Report registered against applicant.

5. It is stated that as per the judgment of Honorable Supreme Court of India in the case of Narinder Singh and others Vs. State of Punjab and another reported in 2014(6) SCC 466, it is held that Court can consider the settlement of parties by examining the fact as to whether the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to oppression.

6. After going through the affidavit of non-applicant no.3, it is clear no useful purpose would be served by continuation of the prosecution against the applicant as informant is not likely to support the prosecution, even if the trial is allowed to proceed, it will amount to wastage of judicial time and energy. Furthermore, continuation of prosecution against the applicant is the abuse of the process of law. Hence, we proceed to pass the following order.

ORDER

- i. Criminal application is allowed;
- ii. Regular Criminal Case No. 865 of 2020 pending before Judicial Magistrate First Class, Arvi, District Wardha vide Charge-Sheet No. 312 of 2020 dated 27th June, 2020 for the offence punishable under Sections 188, 505(1)(b) of Indian Penal Code, Section 54 of Disaster Management Act and Section 3 of Epidemic Disease Act is hereby quashed and set aside against the applicant **Ku. Pooja D/o Sureshrao Dakre**.

Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]