



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

Criminal Application (APL) No. 378 of 2025

Akshay Devidas Kotangale,
Age 30 years, Occ. Driver
R/o Plot No. 88, Yadav Nagar Housing Board,
Near Atta Chakki, Dr. Ambedkar Marg,
Nagpur (Maharashtra) 440 017

... Applicant

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer, Police Station
Yashodhara Nagar, Nagpur
2. XYZ (Victim)
In Crime No. 740/2024
Through Police Station Officer, Police Station
Yashodhara Nagar, Nagpur

... Non-applicants

Shri M.V.Anant, Advocate for the applicant.
Shri S.A.Asirgade, APP for the non-applicant no. 1/State.
Ms. V.B.Giri, Advocate for the non-applicant no.2.

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

DATED : 15th 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 the Code of Criminal Procedure, applicant is seeking to challenge the proceeding

pending before the Additional Sessions Judge, Nagpur in Sessions Case No. 215 of 2025 arising out of crime no. 466 of 2024 dated 23rd July, 2024 and charge-sheet no. 152 of 2024 dated 2nd October, 2024 registered for the offence punishable under Sections 64(2)(m), 69, 88 of Bhartiya Nyaya Sanhita, 2023 registered with Yashodhara Nagar, Nagpur.

3. In short the case of the prosecution is that informant on 23rd July, 2024 lodged the police complaint alleging that she has come in contact with the applicant through social media. Their friendship was turned into love affair and out of that love affair they were having physical relations with each other. However, the present applicant denied to perform marriage with her and therefore the offence under Sections 64(2)(m), 69, 88 of Bhartiya Nyaya Sanhita, 2023 came to be registered against the applicant.

4. On the other hand, it is the case of the applicant that non-applicant no.2 is a married women and having a child of four years old. However, as she was frustrated with her earlier marriage, as her husband was alcoholic and assaulted her, with her consent, they had physical relations.

5. During the pendency of the present application, the non-applicant no.2/victim filed affidavit dated 7th April, 2025 stating that the applicant and victim has amicably settled their dispute and therefore she does not want to prosecute the present applicant in crime no. 740 of 2024 registered with Yashodharanagar Police Station Nagpur.

6. That considering the offence registered against the applicant, we have asked the parties to remain present before the Court so as to ascertain the correctness and truthfulness of the amicable settlement arrived between the parties. On interaction with the non-applicant no.2 she has stated that she being a married women, does not want to continue the present proceeding against the applicants. She has further confirmed the fact that in the application filed by the applicants under Section 483 of BNS Act for grant of bail, she had given no objection by filing affidavit before the Sessions Court, Nagpur. As such by considering all pros and cons of the matter, she has amicably settled the matter and voluntary stated that prosecution pending against the applicant be quashed and set aside.

7. That in the present matter, it is admitted fact that applicant and non-applicant no.2 are the major by age and understood the consequences of the amicable settlement. Furthermore, non-applicant no.2 who is already a married lady want to live her future life with her son and therefore she has entered into amicable settlement with the applicant.

8. Hon'ble Supreme Court of India in the case of Machhindra Appaji Patil and others Vs. State of Maharashtra and another reported in 2019 SCC Online Bom. 769 and judgment of Co-ordinate Bench of this Court in the case of Nauman Suleman Khan Vs. State of Maharashtra and another reported in 2022 ALL MR (Cri) 4427, wherein this Hon'ble Court by considering the future of prosecutrix had exercised the powers available under Sections 482 of the Code of Criminal Procedure.

9. Hence, we are of the considered opinion to accept the affidavit of non-applicant no.2 dated 7th April, 2025 and accordingly by considering the fact that no fruitful purpose would be served by keeping the criminal proceeding pending against the applicant particularly when complainant herself want to withdraw all allegation against applicant.

According to us, it is a fit case to exercise the inherent powers at this stage.

Accordingly, we proceed to pass the following order.

ORDER

- i. Criminal application is allowed
- ii. The Sessions Case No. 215 of 2025 pending before the Additional Sessions Judge, Nagpur arising out of First Information Report vide crime no. 466 of 2024 dated 23rd July, 2024 and charge-sheet no. 152 of 2024 dated 2nd October, 2024 registered for the offence punishable under Sections 64(2)(m), 69, 88 of Bhartiya Nyaya Sanhita, 2023 registered with Yashodhara Nagar, Nagpur

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

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]