



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

Criminal Application (APL) No. 542 of 2025

Mangesh Bhimrao Kapse

Versus

The State of Maharashtra through Police Station Officer, Police Station

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Pankaj Navlani, Advocate for the applicants.

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

Shri Vishwajeet Singh Uberoi, Advocate for the non-applicant
no.2.

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

DATED : 28th APRIL, 2025.

By way of present application, the applicant is seeking to quash and set aside the Charge-sheet No. 97 of 2024 dated 15th june, 2024 arising out of First Information Report bearing No. 195 of 2024 dated 5th May, 2024 registered with Police Station Morshi, Tah. Morshi, District Amravati for the offence punishable under Sections 376 of Indian Penal Code and Sections 3(1)(w)(i)(ii), 3(2)(v), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The allegation raised by non-applicant no.2 against applicant is that when she was at her home, in the mid-night when all family members were present in the house, he committed forcible sexual intercourse with her and on that basis the abovesaid offence is registered against the applicant.

3. During the pendency of present application, non-applicant no.2 filed affidavit dated April, 2025 on record stating that due to some mis-understanding and under the rage of anger, complaint was lodged by her and now applicant and non-applicant no.2 have arrived at settlement. Hence, she does not have any objection to quash and set aside the criminal proceeding registered against applicant.

4. Today, non-applicant no.2 is present in the Court. She is identified by her Advocate. She confirmed the fact that she has no objection to quash and set aside the proceeding pending against applicant.

5. In addition to this, we have perused the complaint and record. From the same, it is clear that non-applicant no.2 is a married women and alleged incident dated 24th April, 2024 seems to be

consensual. Otherwise, it is not probable that in presence of family members, applicant forcibly done, sexual intercourse with non-applicant no.2. Hence, on merits also, no offence is made out against applicant.

6. As far as Sections 3(1)(w)(i)(ii), 3(2)(v), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concern, allegation in that regard are vague and omnibus. Hence, no offence is made out against the applicant in the matter.

7. In view of aforesaid reasons, we are of the considered opinion that this is a fit case to quash and set aside the charge-sheet. Accordingly, we proceed to pass the following order.

- i. Criminal Application is allowed;
- ii. The charge-sheet No. 97 of 2024 dated 15th June, 2024 arising out of First Information Report bearing No. 195 of 2024 dated 5th May, 2024 registered with Police Station Morshi, Tah. Morshi, District Amravati for the offence punishable under Sections 376 of Indian Penal Code and Sections 3(1)(w)(i)(ii), 3(2)(v), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act,

1989 is hereby quashed and set aside against the applicant - **Mangesh Bhimrao Kapse.**

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]