



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

CRIMINAL APPLICATION (APL) NO. 1053 OF 2024

Mohd. Razi Khan S/o. Salim Khan,
Aged about 26 yrs., Occu.: Student
R/o. Dasnapur, Distt. Adilabad,
Telangana.

...APPLICANT

// V E R S U S //

1. **State of Maharashtra,**
Through PSO PS Dhantoli,
Distt. Nagpur
2. **XYZ (victim),**
In Crime No. 270/2024,
registered with PSO PS Dhantoli,
Distt. Nagpur

NON-APPLICANTS

Mr Mir Nagman Ali, Advocate for the applicant
Mr N. H. Joshi, APP for Non-applicant No. 1/State
Mr A. Ananthakrishnan, Advocate for non-applicant No.2

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATED : APRIL 29, 2025.

ORAL JUDGMENT : (PER : ANIL S. KILOR, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Taken up for
final disposal with the consent of learned counsel for the parties.

3. The applicant, in the present matter, has been charge-sheeted for the offences punishable under Sections 354-A, 354-C, 376, 376(2)(n), 506 and 507 of the Indian Penal Code ("the IPC" for short). The charge-sheet in question, bearing No. 82 of 2024 dated 14.08.2024 was filed in First Information Report No. 270 of 2024 dated 19.06.2024 registered with police Station Dhantoli, Nagur city for the offences mentioned *hereinabove*.

4. By the present application, filed under Section 482 of the Code of Criminal Procedure ("the Cr.P.C.", for short), the charge-sheet is sought to be quashed and set aside on the ground that the matter has been settled and non-applicant No.2 does not want to proceed with the criminal complaint.

5. It is pointed out that this Court on 11.11.2024 recorded the fact of such settlement and also noted the personal appearance of non-applicant No.2 before this Court on the said date. This Court has also noted the statement made by the informant/non-applicant No.2 that out of misunderstanding she lodged the report.

6. It is further submitted that the informant wants to forget her past and therefore, she requested the applicant to do certain things which are mentioned in para 4 of the affidavit filed by the non-applicant No.2.

7. Mr Mir Nagman Ali, learned counsel for the applicant, states that the applicant is present in the Court and as per the instructions given by him, he has agreed to cooperate the non-applicant No.2 as regards the things noted and expected to be followed by the applicant, in para No. 4 of her affidavit.

8. In the circumstances, as the non-applicant No.2 has settled the matter and does not want to proceed with it, with a view that she wants to forget the past and live a happy life hereinafter, we are of the considered view that even if a trial is permitted to conduct the whole exercise will be futile, as there is no chance that non-applicant No.2 would cooperate prosecution to establish the alleged offence. In the circumstances, we are of the opinion that the application needs to be allowed.

9. Accordingly, the criminal application is **allowed**.
10. The Charge-sheet No.82 of 2024 dated 14.08.2024 arising out of FIR No. 270 of 2024 for the offences punishable under Sections 354-A, 354-C, 376, 376(2)(n), 506 and 507 of the Indian Penal Code registered at Police Station Dhantoli, Nagpur is hereby quashed and set aside.

Rule accordingly.

Pending applications, if any, also stand **disposed of**.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]