



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

CRIMINAL APPLICATION NO.1762 OF 2024

Pravin s/o Manohar Khawshi, aged
about 29 years, Occ. Private, R/o At post
– Manikwada, Tq. Ashti, Distt. Wardha.

... APPLICANT

VERSUS

1. State of Maharashtra, through its
Police Station Officer, Ajni P.S.,
Nagpur.
2. XYZ, Victim in Crime No.212/2023,
Police Station, Ajni, Dist. Nagpur.

... NON-APPLICANT(S).

Shri R.R. Prajapati, Advocate for the applicant
Shri S.S. Doifode, Addl.PP for the State.
Shri V.P. Karhade, Advocate for non-applicant no.2

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 17.04.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **RULE.**

2. Rule made returnable forthwith.

3. The matter is taken up for final disposal by consent of both the parties.

4. By this application filed under Section 482 of the Code of Criminal Procedure, the applicant is seeking quashment of charge-sheet No.90/2023 arising out of First Information Report No. 212 of 2023 registered with the Ajani Police Station, Nagpur City for the offence punishable under Sections 376(2)(n) and 417 of the Indian Penal Code.

5. It is the case of the non-applicant no. 2 that the applicant by giving false promise of marriage committed sexual intercourse with her, and therefore, she lodged the report with the Police and offence came to be registered under Section 376(2)(n) and 417 of the Indian Penal Code.

6. In the present case, after filing of charge-sheet, non-applicant no.2 filed an affidavit stating that she does not want to prosecute the criminal prosecution against the applicant by considering her future prospects in life.

7. Non-applicant no.2 is present in the Court, who is identified by her Counsel. After interaction with her, she confirmed the fact that in view of the amicable settlement between them, affidavit is filed on

record to state that she does not want to proceed against the present applicant.

8. Hence, considering the affidavit of non-applicant no. 2 and further the view taken by the co-ordinate Bench of the this Court in the case of *Ashok Dhondiba Kale and ors. v. The State of Maharashtra 2018 SCC OnLine Bom 1826* and in the case of *Machhindra Appaji Patil v. State of Maharashtra 2019 SCC OnLine Bom 769*, wherein it has held that considering the welfare and future prospect of the victim/non-applicant no.2 the offence registered under Section 376, 417 of the IPC can be allowed to compromise.

9. In view of the above fact that no fruitful purpose would be served by continuing the criminal proceedings as the complainant herself is not ready to prosecute the proceedings, which ultimately will result in acquittal of applicants in criminal trial. When Courts below are already over burdened with the pendency of the cases of serious offences can devote their precious time in those matter. We deem it fit therefore, to accept the statement of non-applicant no.2 made on affidavit and allow the present application. Hence, we proceed to pass the following order :

- (a) The Criminal Application is allowed.
- (b) Charge-sheet No.90/2023 arising out of First Information

Report No. 212 of 2023 registered with the Ajani Police Station, Nagpur City for the offence punishable under Sections 376(2)(n) and 417 of the Indian Penal Code, is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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