



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

CRIMINAL APPLICATION (APL) NO.341/2025

1. Mohammad Asif s/o Mohammad Yakub, aged about 66 years, Occupation – Agriculturist, R/o, Khel-Krushnaji (Panchgavhan), Tq. Telhara, Dist. Akola.
2. Mohammad Ahmad s/o Mohammad Aarif, aged about 37 years, Occupation- farmer, R/o Rail (Dharail) Tq Akot, Dist Akola
3. Shaikh Shakil s/o Shaikh Babar, aged about 37 years Occupation – Farmer, R/o Khel-Krushnaji (Panchgavhan) Tq Telhara, Dist Akola.

....APPLICANTS

....VERSUS....

1. State of Maharashtra, through P.S.O., Police Station Telhara, Tq Telhara Dist. Akola.
2. Ku. Neha d/o Nitin Agrawal, Aged about- 23 years, Occupation- Education, R/o Khel-Krushnaji (Panchgavhan), Tq Telhara, Dist Akola.

....NON-APPLICANTS

Shri Anzar Baig Mirza, Advocate for applicants
Ms Soniya Thakur, APP for non-applicant No.1/State
Ms Naina P. Dhoke, Advocate for non-applicant No.2

CORAM : **ANIL S. KILOR AND ABHAY J. MANTRI, JJ.**

DATED: **17.06.2025**

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

. Heard.

2. Rule. The Rule is made returnable forthwith. Heard finally by consent of learned Counsel for the respective parties.

3. In the present matter, the prayer is made for quashment of First Information Report No.135/2024 dated 02.06.2024 registered with Police Station Telhara, District Akola for the offence punishable under Sections 341, 354, 354-D, 366, 506 read with Section 34 of the Indian Penal Code.

4. The non-applicant No.2 is present in the Court. She has been identified by her Counsel. Non-applicant No.2 has filed affidavit today, which is taken on record,

stating that she is pursuing the master degree in faculty of Commerce and she desires to move forward in life by putting past events behind back. She does not wish to suffer the agony of trial, which would reopen old wounds and cause additional pain and sorrow. She looks forward to a peaceful, happy and joyful life and to achieve this, she does not want to prosecute the applicants.

5. Considering the affidavit and the statement made in the affidavit and further desire of the non-applicant No.2 not to prosecute the applicants, we are of the opinion that even if, the trial is permitted to continue or it is conducted, no fruitful purpose will be served and in that event, whole exercise will be proved as futile. In that view of the matter, in light of affidavit filed by non-applicant No.2 and the desire she has expressed during interaction with her not to prosecute the application, we pass the following order:

- (i) The application is allowed.
- (ii) The First Information Report bearing Crime No.135/2024 registered with Police Station Telhara, District Akola, for the offence punishable under Sections 341, 354, 354-D, 366, 506 read with Section 34 of the Indian Penal Code, and the Charge-sheet No.61/2024 dated 01.08.2024 filed under Section 363, 336, 366, 354, 354-D, 341, 504, 506 and 34 of the Indian Penal Code, filed against the applicants before the learned Additional Sessions Judge-2, Akot are hereby quashed and set aside.

6. Rule is made absolute in above terms accordingly.

(ABHAY J. MANTRI, J.)

(ANIL S. KILOR, J.)

R.S. Sahare