



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

CRIMINAL APPLICATION (APL) NO. 566 OF 2025

1. **Ganesh S/o. Murlidhar Sathe,**
Aged about 41 yrs.,
2. **Smt Tejaswini Ganesh Sathe,**
Aged about 35 Yrs.,
Both applicant Nos. 1 and 2
R/o. Plot No. 25, Chhatrapatti Society,
Juna Umarsara, Yavatmal 445001

...APPLICANTS

// V E R S U S //

1. **State of Maharashtra,**
Through Police Station Awdhootwadi,
Yavatmal City, District Yavatmal
2. **XYZ (victim),**
In Crime No. 1141/2021,
Awdhootwadi, Yavatmal City,
District Yavatmal.

NON-APPLICANTS

Mr Inamul Haque, Advocate for the applicant
Ms Shamsi Haider, APP for Non-applicant No. 1/State
Mr A. A. Khwaja, 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. Issue notice to the non-applicants.

3. Learned APP waives service of notice on behalf of non-applicant No.1/State.

4. Learned Advocate Mr. A. A. Khwaja waives service of notice on behalf of non-applicant No.2.

5. **RULE.** Rule made returnable forthwith. Since it is informed that the matter is settled between the parties, it is taken up for final disposal with the consent of learned counsel for the parties.

6. The applicants are husband and wife and they have been charge-sheeted for the offences punishable under Sections 377, 376(2)(n), 323, 504, 506, 34 of the Indian Penal Code ("the IPC" for short) which is sought to be quashed and set aside by the present application, filed under Section 482 of the Code of Criminal Procedure ("the Cr.P.C.", for short).

7. The charge-sheet in question came to be filed in FIR No. 1141 of 2021 dated 30.12.2021 with the police station Awadhootwadi, District Yavatmal for the offences mentioned

hereinabove. The allegations made in the FIR are of sexual assault by the applicants.

8. It is alleged that the non-applicant No.2 was taking medical treatment from the applicant No.1 and during the said period, the applicants committed allege offence.

9. Today the non-applicant No.2 is personally present in the Court. She has been identified by her Advocate Mr Inamul Haque, who has filed an affidavit of non-applicant No.2 stating therein that on 30.12.2021 she lodged the false FIR at police station Awdhootwadi. She further states that now there is no grievance against the applicants and as such, she did not want to proceed with the criminal complaint.

10. Having gone through the report, we are of the opinion that some of the allegations are improbable and difficult to accept and therefore, we find that the affidavit filed by non-applicant No.2 stating that she filed a false FIR has substance.

11. However, in the above backdrop, we requested the learned APP to personally spoke to non-applicant No.2 by adjourning the matter for some time. In between, learned APP Ms Shamsi Haider spoke with the non-applicant No.2, who maintained her stand about the filing of a false complaint and further stated that she does not want to continue with criminal proceedings.

12. In peculiar facts and circumstances, even if the trial is conducted, the whole exercise will be futile. In the circumstances we are of the opinion that for the reasons recorded *hereinabove*, the application needs to be allowed.

13. Accordingly, the application is allowed in terms of prayer clause (ii).

Rule accordingly.

Pending application, if any, also stands **disposed of**.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]