

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

62 CRIMINAL APPLICATION NO.2996 OF 2022

YOGITA BALRAM AHUJA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the applicants : Mr. S.V. Suryawanshi
APP for the respondent – State : Mr.S.D. Ghayal
...

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 14 NOVEMBER 2022

PC :

Leave granted to amend the prayer clause. Amendment to be carried out forthwith.

2. Heard learned counsel for the applicants.

3. The applicant no. 1 is informant and applicant no. 2 is the accused. They are jointly requesting for quashment of the crime No.10/2022 registered on a FIR filed by the applicant no. 1 with Cyber Police Station, Jalgaon for the offences punishable under section 66-D and 67 of the Information Technology Act, 2000.

4. The learned advocate for the applicants submits that the applicants are distant relatives *inter se* and FIR was lodged due to some misunderstanding. They have patched up the things and have decided to streamline their relationship. Bitterness has been wiped off.

5. The learned APP submits that though the applicants are now seeking quashment of crime, they have used the police machinery, which had to carry out the investigation in to Cyber crime and even subsequently chargesheet has been filed and case has been registered as R.C.C. No. 664/2022 with the Court of Chief Judicial Magistrate, Jalgaon. The applicants have not only used the police machinery, but even have caused valuable time of this court to be spent for considering their request. He, therefore, submits that the applicants should deposit the costs with the State for having used the process of law.

6. There are no circumstances to indicate that the settlement or compromise is against any public policy. Some indecent messages were exchanged resulting into registration of the crime. If the applicants are both women and have decided to sort out the dispute, we see no sufficient and cogent reason to refute the request for quashment of crime and criminal case.

7. However, simultaneously, we cannot lose sight of the fact that the applicants have used the police machinery which must have been required to spend time for investigating into the crime and taken pains to file chargesheet. Even they have caused this Court to spend time in considering their request. We, therefore, deem it appropriate that the applicants are made to pay some costs to the State.

8. We allow the application.

. We quash and set aside the crime No. 10/2022 registered at Cyber Police Station, Jalgaon for the offences punishable under section 66-D and 67 of the Information Technology Act, 2000 and R.C.C. No. 664/2022 pending with the Court of Chief Judicial Magistrate, Jalgaon, however, the applicants shall deposit cost of Rs.5,000/- with the Registry within two weeks.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

sga/