

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.: 591 OF 2015

1. **Mohan S/o Shantilal Bhandari,**
Age: 48 years, Occu: Advocate,
R/o House No.2815-A, Lane No.4,
Chaini Road Corner, Dhule.
Tq. and Dist. Dhule.
2. **Sau. Yojana W/o Mohan Bhandari,**
Age: 45 years, Occu.: Household,
R/o House No.2815-A, Lane No.4,
Chaini Road Corner, Dhule,
Tq. and Dist. Dhule.
3. **Sau. Sarla W/o Sohan Bhandari,**
Age: 40 years, Occu: Advocate,
R/o House No.2815-A, Lane No.4,
Chaini Road Corner, Dhule.
Tq. and Dist. Dhule.
4. **Charmish S/o Mohan Bhandari,**
Age: 21 years, Occu: Business,
R/o. House No.2815-A, Lane No.4,
Chaini Road Corner, Dhule.
Tq. and Dist. Dhule.

...APPELLANTS

[ORI.ACCUSED].

VERSUS

1. **The State of Maharashtra,**
2. **Murlidhar S/o Sitaram Nagmoti,**
Age: 46 years, Occu: Business,
R/o Lane No.4, Chaini Road Corner,
Dhule, Tq. And Dist. Dhule.

... RESPONDENTS

Advocate for the Applicants: Mr. Deshpande C. R.
APP for Respondent No.1: Mr. S. B. Pulkundwar.

**CORAM:- T. V. NALAWADE &
SMT. I. K. JAIN, JJ.
DATED:- 27th MARCH, 2015.**

JUDGMENT [PER SMT.I.K.JAIN, J.]:

Rule. Rule made returnable forthwith. By consent heard both sides for final disposal. Learned AP.P. is also heard.

2. The proceeding is filed under section 482 of the Code of Criminal Procedure for quashing F.I.R. bearing Crime No.177 of 2014 registered at Azadnagar Police Station, Dhule for the offences punishable under sections 363, 366 read with 34 of the Indian Penal Code.

3. Respondent No.2 Murlidhar Sitaram Nagmoti, resident of Dhule, is the father of Bhagyashri. On 20th August, 2014 he lodged report against petitioners alleging therein that Petitioner No.4 Charmish kidnapped his daughter Bhagyashri from his lawful custody and petitioner Nos.1 to 3 parents and Aunt of Charmish helped him in kidnapping Bhagyashri. On such report above said crime came to be registered at Azadnagar Police Station.

4. It is submitted by the learned counsel for Applicants and Respondent No.2 that parties have settled the dispute. The grievances of father are set at rests. At the relevant time Bhagyashri was more than 17 years old. She and Charmish had love affair. On 26th November, 2014 both got married in a temple at Yedshi, Taluka and District Osmanabad. It is supported by affidavit of Bhagyashri. Bhagyashri and Charmish are leading happy matrimonial life.

5. In view of the above subsequent development primary issue which remains for consideration is whether F.I.R. against the petitioners can be legally quashed and set aside in the circumstances mentioned by the petitioners and Respondent No.2. As parties have buried their hatchet and decided to live peacefully in future continuation of the investigation, in our view, would be unnecessary. There is minimal chance of the witnesses coming forward to support the prosecution. The dispute is exclusively private in nature. The interest of society at large would not be adversely affected. In view of the compromise between the parties, we are of the opinion that power under section 482 of the Code of Criminal Procedure needs to be exercised.

6. In the result, Criminal Application No. 591 of 2015 is

allowed. F.I.R. bearing Crime No.177 of 2014 registered at Azadnagar Police Station, Dhule for the offences punishable under sections 363, 366 read with 34 of the Indian Penal Code against the applicants is quashed and set aside.

7. Rule is made absolute in the aforesaid terms.

[SMT. I. K. JAIN, J]

[T. V. NALAWADE, J.]

Dated:27/03/2015.
ans/591.odt