

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1062/2015

Shridhar Govind Survase.

...Petitioner..

Versus

The State of Maharashtra & another.

...Respondents...

.....

Shri Sachin S. Bhise, Advocate for petitioner.

Shri A.S. Shinde, APP for respondent no.1.

Shri V.P. Golewar, Advocate for respondent no.2.

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CRIMINAL APPLICATION NO.4376/2015

Priyanka w/o Sridhar Survase.

...Applicant..

Versus

Shirdhar Govind Survase & another.

...Respondents..

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Shri S.G. Jadhavar, Advocate for applicant.

Shri Sachin S. Bhise, Advocate for respondent no.1.

Shri A.S. Shinde, APP for respondent no.2.

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**CORAM: A.B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE: 01.10.2015

ORDER :

1] Heard learned counsel appearing for the parties in these matters. Rule. Rule is made returnable forthwith with the consent of learned counsel for the parties and the matters are taken up for hearing.

2] Following is the prayer in the writ petition :-

[B] By issuing writ of certiorari or any other writ, order or directions in the like nature, the registration of First Information Report vide Crime No.191/2015 for offences under Section 452, 323, 365, 366 r.w. 34 of Indian Penal Code with MIDC Police Station, Latur, dated 06/08/2015 and may kindly be quashed and set aside in the interest of justice."

3] We have perused the certificate of marriage dated 31.3.2015, by which the petitioner and the girl - Priyanka were married. The girl Priyanka is aged about 24 years and is said to be Lecturer in Shivaji Junior College at Renapur Tq.Renapur Dist.Latur. We have also perused the FIR lodged by respondent no.2 in the writ petition. We find from the FIR that engagement of Priyanka with some other boy was fixed on 14.4.2015, but

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the allegation in the FIR is that per force the applicant and others had abducted her from the custody of Parvati Baburao Mane. Now the wife – Priyanka has appeared before us by filing Criminal Application No.4376/2015 through Advocate Shri S.G. Jadhavar, who makes a categorical statement that the marriage did take place between her and the petitioner – Shridhar Govind Survase and both of them are residing together as husband and wife. The learned counsel for the petitioner submits that the petitioner though is unemployed is running a grocery shop and would support his wife Priyanka and would not trouble her.

4] We understand the pain and agony of the respondent no.2 – Parvati, who was waiting for the engagement ceremony of Priyanka with some other boy, but then Priyanka being major was entitled to take her own decision. Be that as it may. We think that since the marriage has taken place and since Priyanka has also filed an affidavit in support of the petitioner – her husband Shridhar, it would be in the interest of justice to remove the hurdle of the FIR in Crime No.191/2015 by taking recourse to the decision in the case of *Gian Singh*

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v. State of Punjab & another [(2012) 10 SCC 303].

Therefore, we make the following order.

ORDER

Rule is made absolute in terms of prayer clause (B) of the writ petition. No order as to costs.

In view of above, Criminal Application No.4376/2015 also stands disposed of.

(INDIRA K. JAIN, J.)

(A.B. CHAUDHARI, J.)