

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 764 OF 2015

Ram Adinath Jadhav

..Applicant

v/s.

State of Maharashtra & Anr.

..Respondents

Mr. Milan Hebbali for the Applicant.

Mr. Shailesh Kharat for the Respondent No.2.

Mrs. M.H.Mhatre, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : AUGUST 14, 2015.

P.C.

1. Heard. This application is filed under the provisions of Section 482 of Cr.P.C. for quashing the proceeding of C.R. No. 20 of 2015 registered with Bhilwadi Police Station, Sangli, at the instance of respondent no.2 for an offence punishable under Section 363, 366A of the Indian Penal Code.
2. The FIR is filed at the instance of respondent no.2, the brother of the victim girl alleging that the applicant had kidnapped his sister.

The FIR also discloses that the applicant's sister was 17 years, 11 months and 28 days old, on the date of the incident.

3. Pending investigation, and on attaining the age of majority, the victim girl married the applicant on 12th July, 2015. Therefore, the parties have approached this court for quashing the subject FIR by consent.

4. The respondent no.2 has filed affidavit dated 14th August, 2015. In para 2 of the affidavit he has stated that the applicant and his sister- the victim girl, were in love/relationship from past two years and he had knowledge of the said relationship. In para 3 of the affidavit he has stated that the applicant and the victim girl have married and they are staying happily, and he does not wish to disturb their matrimonial life. He has also given no objection to set aside the subject FIR.

5. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in the affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the criminal proceedings in question

initiated by him against the applicant for the offence punishable under sections 363, 366A of the Indian Penal Code, 1860.

6. The applicant and the victim girl are also present before the court. They state that they were in love and that they got married on 12th July, 2015 and are staying together happily. They have produced the marriage certificate, which is taken on record and marked “X” for identification. They have also prayed for quashing the subject FIR.

7. We have gone through the FIR. The FIR reveals that on the date of the offence the victim was two days short of attaining the age of majority. The FIR further reveals that the victim had herself left her parental house as she was in love with the applicant. The FIR does not reveal that the applicant had either enticed or taken the victim away from the custody of her guardian. The FIR therefore does not disclose offence under Section 366A of IPC. Considering the fact that the applicant and the victim girl were in love and are subsequently married, and are staying happily, in our considered opinion, it would be in the interest of the victim girl to quash and set aside the subject FIR.

8. In the circumstances, and especially, in view of the law laid

down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

9. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings.

10. Accordingly, application is allowed in terms of prayer clause (b).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)