

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1154 OF 2014

Rajaram Raghunath Patil and Others. ..Applicants.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. S. V. Marwadi i/b Mr. K. S. Garge for the Applicants.

Mr. Omkar Gupta Nagvekar for Respondent No. 3.

Mr. J. P. Yagnik, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **April 27, 2015.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner, Respondent No.3 and learned APP for the State. None appears for Respondent No.2, despite service.

2. The application is filed invoking the jurisdiction of this Court under section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of CR No. I-33 of 2014 registered with Palghar Police Station against the Applicants at the instance of Respondent No.2 for the offence punishable under section 363 read with 34 of the Indian Penal Code, 1860.

3. Respondent No.2 filed a complaint on 26th March 2014 that on 6th March 2014, Respondent No.3 – his daughter has left the house to answer 12th standard examination. She did not return. Hence, he filed missing report with the police. Subsequently, he learnt that Applicant Nos.1, 3, 4 and 5 have deceived his daughter - Respondent No.3 herein, under the pretext that they would perform her marriage with Jitesh - Applicant No. 2 herein. He, therefore, registered FIR against the Applicants for the offence of kidnapping his daughter from his lawful custody.

4. Respondent No.2 had filed a writ petition in this Court, being W.P.No. 630 of 2014 for *habeas corpus*. In that writ petition, Respondent No.3 was produced before the Division Bench of this Court. Her statement was recorded by the Division Bench, wherein she has stated that she is married to Applicant No.2 on 20/11/2014 and since then has been residing with him. She has also stated that she was not detained by Applicant No.2 and was not made to reside against her will. She further stated that she would not like to reside with Respondent No.2. Respondent No.3, on the date of making the statement had already completed the age of 18 years. The Division Bench, therefore, decline to entertain the writ petition and dismissed the same.

5. In the present application, Respondent No.3 has filed affidavit, wherein she has stated that she had left the house of Respondent No.2 on her own as her parents had come to know about her love affair with Applicant No.2. Further, she has stated that she had informed the Manor Police Station about her leaving the house and thereafter she met Applicant No.2 and upon completion of 18 years of age, she got married to him. She has further affirmed that she has been residing with Applicant No.2 peacefully and she has no grievance against any of the Applicants. She has further stated that she has no objection for quashing the subject FIR.

6. Respondent No.2 is the original complainant. Therefore last time notice was issued to him. Despite service, he is not present.

7. The affidavit of Respondent No.3 discloses that Respondent No.2 did not approve his daughter (Respondent No.3) getting married to Applicant No.2 and refused to keep any relationship with him. From the facts and circumstances of the case, it is clear that Respondent No.2 is not co-operating. Nonetheless, we cannot lose sight of the fact that Applicant No.2 and Respondent No.3 have already married and at the time of marriage Respondent No.3 was 18 years old and at present couple are residing together happily. In our opinion, in

this fact situation, no purpose would be served by keeping pending the criminal proceedings against the Applicants and the interest of justice would be served if the proceedings are quashed. In that view of the matter, application is allowed in terms of application in terms of prayer clause (b).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]