

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

CRIMINAL APPLICATION NO. 61 OF 2016

Ganesh s/o Rajendra Panchal & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

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Mr. R.O.Awasarmol, Advocate for Applicants.

Mr. K.S.Patil, A.P.P. for R.No. 1 - State.

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CORAM : A.V.NIRGUDE &

INDIRA K. JAIN, JJ.

DATE : 14th JANUARY, 2016

ORAL ORDER :-

Issue notice to respondents. Learned A.P.P. waives service of notice for respondent No. 1 – State.

2. The applicants are accused in Crime No. 171/2015 registered at Renapur police station, district Latur for the offences punishable u/ss 363,366,506 read with 34 of the Indian Penal Code.

3. The complainant stated to the police that his niece, who is 19 years old, has left house on the pretext of going to college. She did not come back. The

complainant took search and found a letter written by her in which she has stated that she was going away on her own and she should not be searched.

4. The tenor of the complaint clearly indicates that this was not a case of abduction involving deceitful means of taking a person away. The Investigating Officer ought not to have registered offence on the basis of this complaint. Registering offence is an abuse of process and we recommend penal action against the concerned Officer after due enquiry.

5. Criminal Application is allowed. The complaint is set aside.

[INDIRA K. JAIN, J.]

[A.V.NIRGUDE, J.]