

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 802 OF 2016

SOMINATH ALIAS SURAJ S/O KAKARAO TUPE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

. . .
Advocate for Petitioners : Mr. S. B. Khan.
APP for Respondent Nos.1 & 2 : Mr. R. B. Bagul.
Advocate for Respondent No.3 : Mr. Himanshu A. Patankar.

. . .

**CORAM : A. V. NIRGUDE &
V. L. ACHLIYA, JJ.**

DATE : 3rd AUGUST, 2016.

PER COURT :

1] This petition seeks quashing of F.I.R. bearing Crime No. 292 of 2016 dated 27.04.2016 for offence punishable under Section 376, 313, 323, 504 r/w 34 of the Indian Penal Code and also under Section 3(1)(10) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act 1989. The complaint alleged that the accused after having love affair refused to marry her. During the affair she had conceived on two occasions and had terminated her pregnancy. The complaint does not make out the case of rape at all. Both the parties to these transaction were major throughout this was admittedly consensual relationship. The additional factor in favour of quashing of the complaint is that the parties have settled their dispute and have got married on 07.06.2016 at Aurangabad.

2] In view of this, we have no hesitation to quash the complaint. The Criminal Application is allowed in terms of prayer clause "A".

[V. L. ACHLIYA]
JUDGE

[A. V. NIRGUDE]
JUDGE

Tandale/-909