

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6049 OF 2016

1. Bharat S/o. Madhukar Kadam,
Aged : 27 years,
Occupation : Labor,
Residing at New Indira Nagar,
Baijipura,
Tq. and Dist: Aurangabad

2. Atul S/o. Bhanudas Mote,
Aged : 27 years,
Occupation : Labor,
Residing at New Indira Nagar,
Baijipura,
Tq. and Dist. Aurangabad

APPLICANTS

VERSUS

1. The State of Maharashtra,
Through, the Police Inspector,
Police Station MIDC CIDCO,
Aurangabad

2. Sumanbai W/o. Ramdas Machar,
Age : 43 years,
Occupation : Household,
Residing at Naregaon,
Tq. and Dist. Aurangabad

RESPONDENTS

Mr. Arun S. Shejwal, Advocate for the applicants
Mrs. P.V. Diggikar, A.P.P. for respondent no.1/State
Smt. Rutuja Kulkarni, Advocate for respondent no.2

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 27th October, 2016

PER COURT :

Heard the informant – Sunitabai as well as the victim girl who are present in the Court today. They have been identified by learned counsel Smt. Rutuja Kulkarni.

2. Sumanbai states that she being illiterate, she had not mentioned the correct age of the victim girl while lodging the F.I.R. According to her, in fact, she had attained the age of majority at the time of lodging the report. She further states that the victim girl has married to applicant no.1 – Bharat. They are residing happily. The victim girl has begotten a son from applicant no.1. In the circumstances, she does not want to proceed with the case that was instituted on her F.I.R.

3. The victim girl has also filed an affidavit wherein she states that she was major on 19th March, 2013. She has got married to applicant No. 1 after lodging of the FIR by Sumanbai. She has begotten a male child from this wedlock. She states that she is living happily with applicant No.1. She, therefore, prays that the criminal proceedings bearing Sessions Case No. 216

of 2013 may be quashed.

4. The informant Sumanbai as well as the victim girl have voluntarily admitted the contents of their respective affidavits. They state that they have decided on their own, without any external force, not to proceed with the present case.

5. Considering the terms of amicable settlement and considering the fact that the victim girl was above 18 years of age at the time of the alleged incident, as claimed by the informant - Sumanbai as well as the victim girl herself, we are of the view that the further progress in Sessions Case No. 216 of 2013 would be a futile exercise and no good purpose would be served by keeping the said proceedings pending. In the circumstances, we allow this application with the following order.

O R D E R

- (i) The criminal proceedings bearing Sessions Case No.216 of 2013 pending before the learned Adhoc District Judge-3 and Assistant Sessions Judge, Aurangabad, are quashed and set aside.

- (ii) Applicant nos.1 and 2 are discharged of the offences punishable under Sections 363 and 366-A of the Indian Penal Code. They be set at liberty forthwith, if not required in any other case.
- (iii) Criminal application is disposed of in the above terms.
- (iv) The parties to act on authenticated copy of this order.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE