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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION******CRIMINAL APPLICATION No. 1419 OF 2016******Mr. Manteshwar Hanumantrao Kattimani*** ***...Applicant******Vs.******State of Maharashtra and Anr.******...Respondents***

Mr. Priyal G. Sarda for the Applicant

Mr. Pravin Padave for Respondent No.2

Dr. F.R. Shaikh -APP for Respondent -State

CORAM : V. M. KANADE &***Ms. NUTAN D. SARDESSAI, JJ.******DATE : DECEMBER 2, 2016*****P.C. :**

1. This is an application filed by the Applicant for quashing a criminal complaint filed by Respondent No.2- Original Complainant for the offence punishable under sections 376, 323, 504, 500, 506 of the Indian Penal Code.

2. Respondent No.2 filed a complaint against the Applicant since according to her, the Applicant had promised to marry her and, therefore, she had given her consent to have a physical relation with him. However, later on he had rescinded from the said promise. The Applicant is a widower and Respondent No.2 is also a widow and

Respondent No.2 has now filed an affidavit stating therein that she was feeling insecure and, therefore, she was under depression, and under these circumstances, she had filed the complaint with the police. In the reply, she has further stated that she has no objection if the complaint is quashed.

3. Both the parties are present in the Court. We have interviewed her and Respondent No.1- Original Complainant has stated that she has no objection if the complaint is quashed. We are satisfied that though the offence which was initially registered as an offence punishable under section 376, it appears that the said offence was registered by the police when Respondent No.2 was in a confused state of mind. In view of the reply filed by Respondent No.2 in this application, it is obvious that the averments made in the complaint would not constitute an offence punishable under section 376 of the IPC.

4. The ratio of the judgment of the Apex Court in the case of **Narinder Singh V. State of Punjab (2014) 6 SCC 466** will squarely apply to the present case. The Criminal Application, therefore, is allowed in terms of prayer clause (b) and is disposed of.

Ms. NUTAN D. SARDESSAI, J.

V.M. KANADE, J.