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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1476 OF 2016

Shri Vikram Ramchandra Yadav & Ors.... Petitioners

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr. Dilip B. Shinde, for the Petitioners.

Dr. F. R. Shaikh, APP for the Respondent No. 1-State.

Mr. Sachin Hande, for Respondent No. 2.

CORAM : V. M. KANADE, &
Ms. NUTAN D. SARDESSAI, JJ.

DATE : DECEMBER 21, 2016

PC.

1. This is a criminal application filed by the Applicants for quashing the criminal complaint filed by Respondent No. 2 for the offence punishable under Sections 376, 504 a/w 34 of IPC. Respondent No. 2 has filed a criminal complaint in which she has alleged that the Applicant No. 1 had given a false promise of marriage to her, and thereafter had kept sexual relations with her. It did happen in 2005 and since then Applicant No. 1 and Respondent No. 2 were having physical relations. It is submitted that when the Applicant No. 1 has refused to marry her, she filed the present complaint. She

has now filed an affidavit in reply stating therein that the Applicant No.1 has now agreed to marry with her, and therefore, she wants to withdraw the complaint. Respondent No. 2 is present in the Court. We have interviewed her. She has stated that she has no objection if the complaint is quashed.

2. In our view, the facts clearly disclose that even otherwise no offence, as alleged, has been made out against the applicants. Moreover, affidavit in reply filed by the complainant reveals that since 2005 she was in physical relations with the Applicant No. 1. Both of them have now decided to get married. In our view, therefore, on account of the aforesaid facts that the Applicant No. 1 and the Respondent No. 2 want to get themselves married, there is no impediment in quashing the criminal complaint filed by her. The ratio of the judgment of the Apex Court in the case of ***Gian Singh, Appellant Vs. State of Punjab & Anr., Respondents [(2012) 10 SCC 303]*** will squarely apply to the facts of the present case. Application is, therefore, allowed in terms of prayer clause (a). The Applicant No. 1 is in jail at the moment. He be released forthwith. Criminal application is accordingly disposed of in the aforesaid terms.

. Parties to act on an authenticated copy of this order.

Sd/-

[Ms. NUTAN D. SARDESSAI, J.]

Sd/-

[V. M. KANADE, J.]