

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APL)No. 13/2016.**

Sunil Tulsiram Sathe

**-VERSUS-**

The State of Maharashtra and another

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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**CORAM : B.P. DHARMADHIKARI  
& V.M.DESHPANDE, JJ.**

**DATE : FEBRUARY 16, 2016.**

Heard Shri Savant, learned Counsel with  
Shri R.V. Chole, learned Counsel for the applicant, Shri  
Maldhure, learned A.P.P. for respondent no.1 and Shri  
A.S. Agrawal, learned Counsel for the respondent no.2.

2. The applicant as also complainant /  
respondent no.2 are present in-person. They are  
identified by their respective Advocates.

3. Parties state that a marriage has been  
performed as per law and Hindu rites between the  
applicant and the complainant. Complainant  
[respondent no.2-Sunanda], has tendered an affidavit  
in the morning requesting that the FIR under Sections

**2**

376(2)(N), 504 and 506 of Indian Penal Code registered on her complaint should be quashed and set aside. Date of marriage was not disclosed in that affidavit.

4. Hence, in afternoon she has tendered another affidavit in which said date has been disclosed. Both the affidavits are retained on record. We have directed the applicant/husband and respondent no.2 to sign on each page of these affidavits. Accordingly they have agreed to sign the same.

5. In view of marriage between the parties and upon enquiry, we find that the respondent no.2 is staying with the applicant at his house along with his parents. It will not be in the fitness of things to continue with the investigation or trial in furtherance of the above mentioned FIR.

6. Accordingly, FIR No.76/2016 dated 26.10.2015, registered with Police Station Gadchandur, Tahsil Korpana, District Chandrapur under Sections 376(2)(N), 504 and 506 of the Indian Penal Code, on the report of the respondent no.2 is quashed and set aside in view of the developments noted above.

7. Criminal Application is thus, partly  
allowed and disposed of. No costs.

**JUDGE**

**JUDGE**

Rgd.