

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 218 OF 2017**

Sumeet Gajanan Revane & Anr.

..Petitioners

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Vikas Shivarkar for the Petitioner.

Mr. K.V.Saste, APP for the Respondent No.1.

Mr. Pravin Maruti Dabade for the Respondent Nos.2 and 3.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 2ND FEBRUARY, 2017**

P.C.

1. Rule. The learned Counsel appearing for the second and third respondent waives service. The learned APP waives service for the first respondent. The second respondent is the first informant, who is the father of the third respondent. The third respondent is the alleged victim of offence.

2. The date of birth of the third respondent is 19th August, 1998. The second respondent lodged the impugned First Information

Report on 14th June, 2015 alleging commission of an offence punishable under Section 363 r/w. Section 34 of the Indian Penal Code against the petitioners. According to him the offence was committed by the first petitioner on 9th June, 2015 and the victim of the offence is the third respondent who is his daughter.

3. The prayer for quashing is sought on the basis of the settlement and the subsequent marriage of the first petitioner and the third respondent. It is the case of the petitioners and the second respondent that the marriage between the first petitioner and the second respondent was solemnized in accordance with Hindu Vedic Rites on 23rd August, 2016 by a priest Shri Mohan Poojari at Nrusinhwadi, Taluka Shirol, District Kolhapur. The marriage has been duly registered in the office of the Marriage Registrar of Kandhawa, Vanawadi Ward, Pune on 21st October, 2016. It is claimed that the first petitioner and the second respondent are residing as husband and wife since the date of their marriage.

4. As per the Order passed by this Court, the Investigating Officer has made necessary verification. He has recorded the statement of the priest Shri Mohan Poojari who solemnized the marriage between

them. He has obtained the extract of the Notarial register of the Notary Public before whom affidavit dated 23rd August, 2016 was affirmed by the first petitioner and the second respondent, a copy of which is annexed at page 30 and 31. The police have also recorded the statement of the Advocate who drafted the said affidavit.

5. The police have found the claim made regarding the marriage of the first petitioner and the second respondent as genuine.

6. It is true that on the date of registration of the First Information Report, the age of the second respondent was more than 16 years and less than 17 years. After attaining age of majority, on 23rd August, 2016 she has married to the first petitioner and now they are residing together.

7. Considering the subsequent event of marriage, the continuation of criminal proceedings will cause undue hardship and harassment to both of them. Even the second respondent has no objection for quashing the complaint.

8. Looking to the peculiar facts set out on the basis of which quashing is sought, it cannot be said that the offence alleged is against the society at large. Therefore, it is a fit case to exercise

powers under Section 482 of the Code of Criminal Procedure, 1973.

Accordingly, we pass the following order,

i) Rule is made absolute in terms of prayer clause (b) which reads thus:-

“After going through the records and proceedings, this Honourable Court be pleased to quash and set aside the FIR vide C.R.No.188 of 2015 registered at Lonikand Police Station, Pune.”

ii) All concerned, to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)