

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3856 OF 2016

1. Miss Roshni Constancio Rodriques	
2. Mrs. Bertha Constancio Rodriques	Petitioners
Versus	
The State of Maharashtra and anr.	Respondents

Mr. Ram Mani Upadhyay, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 12th JULY, 2017.
(In Chambers)

P. C. :

The complainant herself and her mother have approached this Court invoking jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR No. I-532 of 2016 registered with Valiv Police Station, Taluka Vasai, District-Palghar, for the offences punishable under Sections 376, 504 and 506 of the Indian Penal Code, 1860.

2. We have heard Mr. Upadhyay, learned counsel for the petitioner and Ms. Shinde, learned APP for the State and have also interacted with the complainant/petitioner No.1 as well as her mother.

We have gone through the FIR. The FIR discloses that the petitioner No.1 and the accused were in love relationship since more than 1 ½ years prior to the incident. The FIR further discloses that the physical relationship between the parties was consensual.

3. Mr. Upadhyay, learned counsel as well as the petitioner No.1 submit that the subject FIR was registered out of frustration and subsequent to the filing of the FIR, the petitioner No.1 has gone into depression. The learned counsel submitted that the petitioner No.1 is constantly under stress and trauma and she wants to forget the unfortunate incident and move ahead in life. The petitioner No.1 submits that she does not want to blame the accused. In these circumstances, in our considered view, the FIR does not appear to be true.

4. In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the subject FIR pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the writ petition is allowed in terms of prayer clause (a) and is disposed off as such.

5. This order is passed in the above peculiar circumstances of the case, keeping in mind the welfare of the petitioner No.1. It should not be considered as precedent and/or construed as any observations against the petitioners.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]