

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.2840 of 2012

* Amol s/o. Bagchand Bhadke,
Age 21 years,
Occupation: Education,
R/o Dhorkin, Taluka Paithan,
District Aurangabad
At present
R/o New Ganesh Nagar,
Garkheda Parisar Aurangabad. .. **Applicant.**

Versus

- 1) The State of Maharashtra,
Through Police Station, MIDC,
Paithan, Taluka Paithan,
District Aurangabad.
- 2) Shaikh Mohsin Shaikh Isaq,
Age 50 years,
Occupation: Business,
R/o Dhorkin, Taluka Paithan,
District Aurangabad. .. **Respondents.**

Shri. K.J. Suryawanshi, Advocate, for applicant.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent No.1.

Shri. Z.Z. Quadri, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 27 JULY 2018

JUDGMENT (Per T.V. Nalawade, J.):

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R. No.52/2012 registered with MIDC Paithan Police Station for offences punishable under sections 366, 368 of the Indian Penal Code and also for the relief of quashing of proceeding of R.C.C. No.421/2012 pending before the Sessions Court, Aurangabad for aforesaid offences. Both the sides are heard.

2) The crime is registered on the basis of report given by one Shaikh Mohasin. He has made allegations against present applicant that on the night between 3-5-2012 and 4-5-2012 his daughter had left the house for bathroom situated outside but she did not return. It is contended that on inquiry they realised that present applicant was also missing and his motor cycle was found in abandoned condition and so they suspected that present applicant had induced his daughter to leave the house and then he kidnapped her. Allegations were made that probably present applicant had forcibly detained the daughter of the first informant at some place.

3) The applicant is Hindu and the first informant a Muslim. The record was created by present applicant to show that he married with the said daughter of the first informant on 7-5-2012. That record and some photographs are produced by the applicant himself in the present matter.

4) There are two statements of the prosecutrix dated 20-6-2012 and 28-6-2012. In both the statements given to police she has made allegation that the present applicant forcibly took her in a four wheeler first to Aurangabad, and then Pune, Alandi and then to Junnar. She has made allegation that threats of life were given to her that if she speaks to anybody he would finish her and her relatives. Allegations are made that marriage ceremony was performed with her and her signatures and thumb impressions were obtained on some papers. She was kept in a house of one Yogesh Khandagale at Ballalwadi for few days. As she was afraid she could not contact her parents and the present applicant also did not allow her to contact her parents. It appears that subsequently report was given to police and after

collecting clue the relatives of the prosecutrix went to the place where she was kept. The incident was narrated by the prosecutrix first to her relatives and then to police. Thus the prosecutrix has made allegations against the present applicant of aforesaid nature.

5) Learned counsel for the applicant submitted that inference is possible due to aforesaid material and the record of SMS that they had affair and due to affair the prosecutrix had left the house of her parents on her own. This inference is not possible at this stage in view of specific allegations made against the applicant by the prosecutrix. This Court holds that no relief can be granted to the applicant in view of the aforesaid circumstances. In the result, the application is dismissed. Interim relief is vacated. Rule is discharged. Request is made for continuation of the interim relief for some period. It is rejected.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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