

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 162 OF 2018

Shri Rajendra Baban Sarje and ors. .. Applicants
Vs.
The State of Maharashtra and ors. .. Respondents

Mr. Pratap Patil, for the Applicants.
Mr. Govind B. Solanke, for Respondents No.2 & 3.
Mrs. G.P. Mulekar, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

22nd FEBRUARY, 2018

ORAL ORDER (PER SMT. V.K.TAHILRAMANI ACTING C.J.) :

1. Leave to amend. Amendment to be carried out forthwith.

2. The applicants - original accused Nos. 1 to 4 are seeking quashing of C.R. No. 348/2017 of Mahatma Phule Chowk Police Station, Thane. The said case is under sections 363, 365, 395, 323, 504 and 506 read with section 34 of IPC.

3. Heard learned Counsel for the applicants - original accused Nos. 1 to 4, learned Counsel for respondents No. 2 & 3 and learned APP for State.

4. Respondent No.2 is the original complainant in the said case and respondent No.3 is wife of respondent No.2. Respondent No.3 is daughter of applicants No. 1 & 4. Applicant No.3 is son of sister of applicant No.1 i.e. cousin brother of respondent No.3. Applicant No.2 is the son of applicants No. 1 & 4 and is brother of respondent No.3. Thus, the respondent No.2 is son-in-law of applicants No. 1 & 4 and brother-in-law of applicants No. 2 & 3. It is stated that at the time of incident, respondent No.3 was above 20 years of age. Thereafter respondent No.3 got married to respondent No.2. This was objected by applicants, hence, they took away respondent No.3 with them on account of which FIR was lodged by respondent No.2.

5. All the applicants are present before the Court. The

complainant as well as his wife are present before the Court. The complainant and his wife both have stated that matter has been amicably settled with all the applicants and now they do not wish to pursue their case against any of the applicants. Respondents No. 2 & 3 have also tendered affidavit to the above effect along with copy of Consent Terms entered into by respondents No.2 & 3 with applicants No. 1 to 4. Applicants No.1 to 4 have also filed affidavit. Both the affidavits and Consent Terms are taken on record and marked 'X' collectively for identification.

6. Looking to the fact that respondents No.2 & 3 are married and happily residing together and they have no grievance against their relatives who have also now accepted the marriage, we are of the opinion that in order to maintain peace and harmony between the parties and in the interest of justice, this FIR and proceedings relating thereto should be quashed. In view of above facts, C.R.No.348/2017 of Mahatma Phule Marg Chowk Police Station, Thane and the proceedings relating

thereto are quashed.

7. Application is allowed in the above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)