

Sukhram Tirjogi Rohidas & Anr .. Petitioners
Versus
The State of Maharashtra & ors .. Respondents

Mr. V.R.Gaikwad for the petitioners.
Mr.Sarwadnya S. Kadtane for respondent nos.2 to 4.
Ms.Sangita Shinde, APP for the State.

DATED : 4th OCTOBER, 2018

1 Heard learned counsel for the petitioner, learned
counsel for respondent no.1 and the learned APP for the State.

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3 During the course of investigation, it was found that petitioner no.2 had eloped along with the petitioner no.1 on 29th September 2016. In the month of April 2017, the petitioner no.2 was traced out and she was taken into custody and thereafter, her custody was handed over to the petitioner's parents i.e. respondent nos.3 and 4. Statement of petitioner no.2 was also recorded and in pursuance thereof, Section 376 of the IPC and Sections 3 and 34 of the Protection of Children from Sexual Offences Act (POCSO) were added in the FIR.

4 Pending investigation, petitioner became major and thereafter, she married petitioner no.1 as per rites and customs. The petitioners as well as respondent nos.2, 3 and 4 accordingly settled their dispute amicably and have approached this Court for quashing the subject FIR by consent.

5 The respondent nos.2, 3 4 have filed separate affidavits. In paragraph no.3, they have given No Objection to quash the subject FIR. The petitioners as well as respondent nos.2, 3 and 4 are present before the Court.

6 On specific query, they state that they have gone through the affidavit and understood the contents thereof. They submit that since petitioners are married, now they do not want to proceed with the matter and pray for quashing the subject FIR.

7 We have gone through the statement of the respondent no.2 recorded by the police as well as the statement recorded u/s.164 of the Code of Criminal Procedure. The statement shows that petitioner no.1 was, at the relevant time, of 28 years and the petitioner no.2 was of 17 years. Both the petitioners were in a love relationship. The statement further shows that petitioner herself accompanied the petitioner no.1 and thereafter they were staying at various places and that the petitioner no.2 had accompanied petitioner no.1 by free consent.

8 Be that as it may, both the petitioners are married and they are staying together. They have no complaints against each other.

9 As stated above, respondent nos.2 to 5 have accepted the petitioners' marriage and pray for quashing the subject FIR. In these circumstances, we are of the opinion that quashing of the FIR would be in the interest of justice.

10 The Hon'ble Apex Court in the case of ***Narinder Singh vs. State of Punjab***¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court

1 [2014 AIRSCW 2065]

provided the following guidelines :

“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between buried the hatchet, and it is also in the interest of the petitioner no.2, we are of the opinion that the FIR is liable to be quashed.

11 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* (supra), we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed.

12 Accordingly, the writ petition is allowed in terms of prayer clause (a).

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)