

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3761 OF 2018

Louis Thomas Dantas.] ... Petitioner

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. Milan Desai for Petitioner.

Smt. S. D. Shinde, APP for State - Respondent No.1.

A. Karim Pathan for Respondent No.2 - Original Complainant.

CORAM :- B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.

DATE :- NOVEMBER 21, 2018

P. C. :-

1. Petitioner has filed this petition for quashing of proceeding initiated in furtherance of FIR in C.R.No.175 of 2017 filed on 19/05/2017 for the offences punishable under Sections 376(2)(n) and 420 of the IPC

2. Learned APP points out that the investigation is already over and charge-sheet is already filed.

3. The Respondent No.2 is present with her Advocate and she has tendered an Affidavit. She has shown disinclination to continue with the prosecution and has no objection if the proceedings are quashed.

4. During inquiry, we find that she is born on 19/04/1992 and was major when friendship began. She is Post Graduate (M.A.).

5. Report shows that the Petitioner and the Respondent No.2 were engaged with consent of family members and thereafter relationship has gone sour. The marriage, therefore, could not take place.

6. In these circumstances, accepting the joint request, we make Rule absolute in terms of prayer clause (C). However, Crime Number written therein is corrected to C.R.No.175 of 2017.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)