

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3862 OF 2018

Manoj Yuwraj Shnde.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Sachin H. Deokar for the Petitioner.

Mrs. A. S. Pai, APP for the Respondent-State.

Ms. Meghna Gowalani for Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **September 21, 2018.**

P. C. :

1. Heard the learned counsel for the Petitioner, learned APP for the Respondent-State and the learned counsel for Respondent No. 2.

2. The petition is filed seeking to quash and set aside the FIR bearing CR. No. 184 of 2018 registered with Indapur Police Station at the instance of Respondent No.2 for the offence punishable under section 376 of the Indian Penal Code, 1860 and sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, the Petitioner and Respondent No.2 have got married on 25th August 2018 and thereafter both of them have approached this Court for

quashing and setting aside the said FIR by consent.

4. Respondent No.2 has filed an affidavit dated 21st September 2018. In the said affidavit, she has stated that she and Petitioner are staying together as husband and wife. She also stated that she has given birth to a baby girl and therefore requested to quash the subject FIR against Petitioner. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject FIR initiated by her against the Petitioner.

5. We have gone through the subject FIR. FIR discloses that at the relevant time, the Petitioner was 20 years of age and Respondent No. 2 was 17 years and 4 months old. It further discloses that they were in relationship and out of this relationship, Respondent No. 1 became pregnant. When she insisted the Petitioner to marry her, the Petitioner replied that they would get married after she attains the age of majority. Out of this relationship, Respondent No. 2 has given birth to a baby girl on 20th August 2018. Thereafter the Petitioner was tried to be contacted. However, he was not available. Therefore, present FIR came to be filed. Be that as it may, as stated

above, the Petitioner and Respondent No. 2 are married subsequent to the filing of FIR. Certificate of marriage is annexed at page-18 to the petition. The Petitioner and Respondent No. 2 are living together happily as husband and wife.

6. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened. In the circumstances of the case, we are of the view that in the interest of justice and from the point of view of welfare of parties, it is better that subject FIR is quashed.

7. In the light the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR. Accordingly, we make this petition absolute in terms of prayer clause (a).

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]