

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3455 of 2016**

Nivas Balu More	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Kalpesh Patil I/b. Sachin Pinjari, advocate for the petitioner.
Mr. F. R. Shaikh, APP for the State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 8th OCTOBER, 2018.

P. C. :

Heard Mr. Patil, learned counsel for the petitioner and Mr. Shaikh, learned APP for the State. None appears on behalf of the respondent No.2 though served.

2. The petition is filed for quashing the FIR bearing CR No.230 of 2016 registered with Koparkhairane Police Station, Navi Mumbai, at the instance of the respondent No.2, for the offences punishable under sections 363, 366-A, 376 read with section 34 of the Indian Penal Code, 1860 (for short "the IPC") and section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short "the POCSO").

3. The respondent No.2- Ananda Nathu Pawar approached the Koparkhairane Police Station on 13th June, 2016 and made a grievance that his daughter by name Chetana aged about 17 years is kidnapped by

some unknown person. The FIR referred hereinabove was registered under section 363 of the IPC. During investigation, the petitioner was apprehended and sections 366-A, 376 of the IPC and section 4 of POCSO were added to the FIR.

4. Mr. Patil, learned counsel for the petitioner, submitted that the petitioner was in love relationship with the respondent No.2's daughter-Chetana and both of them eloped in order to get married. He submitted that at the time of the incident, the age of the respondent No.2's daughter-Chetana was 17 years and 11 months and, after the said -Chetana attained the age of majority, they got married on 19th July, 2016 and from the said wedlock, a boy child is born on 27th April, 2017. Mr. Patil further submitted that though the respondent No.2 is on visiting terms with his daughter – Chetana, he is not ready to quash the subject FIR by consent.

5. Both, the petitioner and his wife – Chetana, daughter of respondent No.2 are present before this Court along with their child. In addition to this, the said Chetana (wife of the petitioner and daughter of respondent No.2) has filed an affidavit dated 8th October, 2018. In paragraph 2 of the affidavit, it is stated that she was having love relationship with the petitioner and thereafter, she got married to the petitioner on 19th July, 2016. The affidavit further makes it clear that the

said Chetana is residing with the petitioner and has given birth to a baby boy. She has stated that her father-respondent No.2 has filed a false complaint against the petitioner, since he was against their marriage. She has also stated that she has no objection if the subject FIR is quashed and set-aside. When we questioned the said Chetana, she reiterated whatever stated hereinabove and specifically gave her no objection for quashing the subject FIR which is registered against the petitioner.

6. We find that the statement of the petitioner and his wife – Chetana (daughter of respondent No.2) corroborates with the Marriage Registration Certificate which is annexed at “Exhibit-C” and joint application at “Exhibit-D” for police protection. Since the petitioner and Chetana – respondent No.2's daughter are married and child is born from the said wedlock, in our opinion, no purpose would be served by continuing the investigation into the subject crime. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In our opinion, it would be in the interest of the said Chetana to quash and set-aside the subject FIR, and if it is not done, Chetana would be uprooted from her life and we are inclined to exercise our inherent jurisdiction to assist her in settling in life and that is the only way to secure ends of justice in peculiar circumstances of this case.

7. In the above facts and circumstances of the case and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we allow the petition in terms of prayer clause (b). The writ petition is, accordingly, disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]