

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APL) No.581 of 2017
(Dr. Sumit s/o. Vijayrao Gampawar .vs. State and another)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mrs.P.S.Chaudhari, Advocate for the applicant.
Mr.A.D.Sonak, Advocate for respondent no.1/State.
Mr.M. Anil Kumar, Advocate for respondent no.2.

CORAM : P. N. DESHMUKH &
 M. G. GIRATKAR, JJ.

DATE : 8.6.2018.

Heard.

This application is filed for quashing of First Information Report Crime No.892 of 2017 registered by City Police Station, Chandrapur, dated 13.6.2017.

Learned Counsel for the applicant, by referring to the documents filed in support of the application, has submitted that though respondent no.2 filed report against the applicant on 13.6.2017, on the basis of which above said offence is registered, there is no mention of any kidnapping alleged to have been done by the applicant in respect of respondent no.2's daughter in the earlier complaint filed by her with police on 24.3.2017 and subsequently on 18.4.2017. It is further submitted that, in the Habeus Corpus Petition filed by respondent no.2, the child is produced in the Court by the complainant's husband

and accordingly, the petition was disposed of granting liberty to the parties to seek custody as per rules.

In the background of above facts, it is, therefore, submitted that there is no purpose to prosecute the applicant for the above crime and it is prayed that the application be allowed.

Learned Counsel for respondent no.2 had referred to the affidavit-in-reply and had contended that, according to police, applicant was not co-operating during the investigation, which was carried out as per orders of this Court passed in the Habeus Corpus Petition. However, it is submitted that the child was produced by complainant's husband and accordingly, the said petition was disposed of. In view of above admitted facts, therefore, para no.14 of the affidavit-in-reply of respondent no.2 does not appear to be relevant while considering the present application.

In the given circumstances and particularly, considering the fact that before lodging of report dt.13.6.2017 though respondent no.2 had lodged missing complaint on 24.3.2017, of which reference is also made in the subsequent report dt.18.4.2017 and as, in neither of the reports, there is mention of the applicant to be in any manner instrumental in kidnapping of child, the aforesaid F.I.R. is liable to be quashed. Hence, the following order.

//ORDER//

The application is allowed.

F.I.R. No.892 of 2017, dt.13.6.2017 registered by respondent no.1 against the applicant by Police Station,

Chandrapur is quashed.

The application is disposed of.

JUDGE

JUDGE

**jaiswal*