

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1487 OF 2019

Jitendra Raosaheb Bhare,
Age : 26 Years, Occ. Service,
R/o. Konewadi, Post Shevga,
Tal and Dist. Aurangabad

.. APPLICANT

VERSUS

1. The State of Maharashtra
Through P. I. Vedant Nagar Police Station,
Aurangabad
2. Baban Trimbak Vadekar,
Age : 39 Years, Occ. Tea Shop,
R/o. Hamalwada, Railway Station Road,
Aurangabad

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Advocate for the Applicants : Mr. A.M. Hajare

A.PP for respondents : Mr. K. S. Patil

Advocate for respondent No.2 : Mr. C.V. Bhadane (Appointed)

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**CORAM :T.V. NALWADE AND
K.K. SONAWANE ,JJ.**

DATE : 23th JULY, 2019.

JUDGMENT(PER T.V. NALWADE, J] :-

Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. The proceeding is filed for relief of quashing of First Information Report No. 698/2016 registered with Vedant Nagar Police Station, Aurangabad for the offences punishable under Sections 363, 366 (A) of the Indian Penal Code read with Section 11 and 12 of Protection of

Children's From Sexual Offence Act, 2012. Charge sheet is not yet filed as per the submissions made.

3. The report was given on 15.07.2016 by the father of the victim girl. He had made specific allegations against the present applicant that he had kidnapped the daughter on 15.07.2016 and her age was below 18 years. She was studying in the 12th standard and her age was exactly 17.5 years and due to that basis the crime came to be registered.

3. The submissions made and papers of investigation show that the crime came to be registered in the year 2016 and couple came to be traced in the year 2018 when the girl had become major. She has one daughter. She gave statement that she has married with the present applicant and she has no grievance against the husband. She had left the company of her parents on her own accord. It is statements of the parents of the victim girl which came to be recorded in the year 2018 that they have no grievance now as against the applicant. The submissions made show that they are living together as happy couple and there is no intention of any body to give evidence against the applicant. In view of these circumstances, this Court holds that relief needs to be given to the applicant. In the result, following order :-

ORDER

1. Application is allowed.
2. Relief is granted in terms of prayer clause 'C'.
3. Rule made absolute in those terms.
4. Fees of the learned Advocate Shri. *C.V. Bhadane*, appointed on behalf of respondent No .02, is quantified at Rs. 3,000/ (Rupees three thousand), which would be payable by the High Court Legal Services Sub Committee at Aurangabad.

[K.K. SONAWANE]
JUDGE

YSK/

[T.V. NALAWADE]
JUDGE