

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1526 OF 2019

Sunil S/o Bapurao Landge,
 Age: 33 years, occu: Service,
 R/O: 298/1 Raj Nagar, Pawdewadi
 Naka, Post. Shivajinagar, Nanded,
 Taluka and District Nanded.
 At present residing at ICGS,
 Ratnagiri MIDC Area, Ratnagiri Airport,
 District Ratnagiri.

.... APPLICANT.

V E R S U S

1. The State of Maharashtra,
 Through the Officer In-charge,
 Bhagyanagar, Police Station,
 Nanded, Taluka and District
 Nanded.
2. Ujjawala d/o Bharat Tibe,
 Age: 25 years, Occu.: Student,
 R/o: village Loha, Taluka Hadgaon,
 District Nanded.

... RESPONDENTS
 NON -APPLICANTS

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Mr. Rajendra S. Deshmukh, Advocate for applicant
 Mr. M.M. Nerlikar, A.P.P. for respondent No. 1
 Mr. M.M. Parghane, Advocate for respondent No. 2

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

DATE : 19th JUNE, 2019.

ORAL JUDGMENT :- (Per: T.V. Nalawade, J.)

1. Rule. Rule made returnable forthwith. Heard finally, with consent of learned counsel for parties.

2. The present proceeding is filed by the applicant-original accused for relief of quashing the First Information Report (FIR) bearing Crime No. 61 of 2019 registered with Bhagya Nagar Police Station, Nanded, District Nanded for the offences punishable under Sections 376 and 420 of the Indian Penal Code(IPC).

3. The crime is registered on the basis of report given by the prosecutrix, who was aged about 25 years, at the relevant time. It is the contention of prosecution that in the year 2013 she came in contact with present applicant and there was affair in between her and the applicant. It is contention that there was physical relations developed, as applicant had given promise of marriage to her.

4. In the year 2014, when prosecutrix came to know that marriage of applicant was settled, she took sleeping pills. Her statement was recorded by the Police in the Hospital on 19-03-2019. But, she did not disclose about physical relationship between them in the past. She had only contended that as present applicant refused to marry with her, she had consumed sleeping pills. Today, prosecutrix has filed affidavit to the effect that she has settled the dispute with applicant. She wants to start new life by forgetting all earlier things. She has no intention to give evidence against present applicant.

5. Learned APP for respondent - State strongly opposed the application and submits that in such cases proceeding cannot be

quashed and such cases needs to be viewed seriously.

6. In the present matter, there were physical relations between the applicant and prosecutrix for about four years and the applicant was virtually maintaining the prosecutrix. Now, they have settled the dispute amicably. In this view of the matter, relief needs to be granted in favour of the applicant. Accordingly, Criminal application is allowed in terms of prayer clause "C".

7. Rule is made absolute in those terms. No order as to costs.

Sd/-

[K.K. SONAWANE]
JUDGE

Sd/-

[T.V. NALAWADE]
JUDGE

MTK