

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2315 OF 2019

IrfanAkbar Tadvī,
Age: 26 Years, Occ: Service,
R/o: Village Waghzhire, Yawal,
Taluka & District Jalgaon.

... **APPLICANT**

VERSUS

1) The State of Maharashtra,
Through, Public Prosecutor Office,
Aurangabad.

2) Kalima Yusuf Tadvī @
Kalima Irfan Tadvī,
Age: 25 Years, Occ: Education,
R/o: At Post Waghzhira,
Sakali Taluka Yawal,
District Jalgaon.

... **RESPONDENTS**

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Mr. G. A. Nagori, Adv. h/f Mr. D. D. Deshmukh, Advocate for Applicant.

Mrs. V. S. Choudhari, APP for Respondent No.1 / State.

Mr. Ganesh L. Kedar, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &
R. G. AVACHAT, JJ.**

DATE : 04th September, 2019.

ORAL JUDGMENT: (Per T. V. Nalawade, 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 FIR No.85 of 2019, registered with Yawal Police Station, Tahsil Yawal, District Jalgaon, for the offences punishable under Sections 376 (2) (m), 420 and 506 of the Indian Penal Code.

3 During arguments, the learned counsel for Applicant and the learned counsel for first informant submitted that the first informant has no intention to give evidence against the Applicant as the Applicant is now her husband. The submissions made show that when they came in contact, the informant was a married woman. Subsequently, she took divorce from the husband and then she married with the present Applicant. There is an affidavit to that effect filed in the present proceeding. In these circumstances and considering the age of the prosecutrix which is more than 25 years, this Court holds that relief needs to be granted. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (A).
- III. Rule is made absolute in those terms.

[R. G. AVACHAT, J.]**[T. V. NALAWADE, J.]***ndm*