

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2982 OF 2019

Swapnil S/o. Kisan Gawali,
Age-22 years, Occu-Nil,
R/o. Jadhav Wadi,
In front of Renuka Mata Mandir,
Aurangabad, Dist. Aurangabad

...APPLICANT

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station, CIDCO,
Tql. & Dist. Aurangabad
2. Smt. Rutuja D/o. Pramod Kulkarni,
@ Rutuja W/o. Swapnil Gawali,
Age-23 years, Occu-Nil,
R/o. Jadhav Wadi, Infront of Renuka
Mata Mandir, Aurangabad
Dist. Aurangabad

...RESPONDENTS

Mr. Avinash s. Khedkar, Advocate for the applicant
Mrs. D. S. Jape, APP for the respondent/State

**CORAM : T. V. NALAWADE &
S. M. GAVHANE, JJ.**

DATE : 14-11-2019

ORAL JUDGMENT [PER: T. V. NALAWADE, J.]

. Rule. Rule made returnable forthwith. With the consent
of the parties the matter is heard finally.

2. Present proceeding is filed for relief of quashing of FIR bearing No. I-200 of 2017 dated 30-07-2017 registered with Police Station Cidco, Tq. & Dist. Aurangabad for the offences punishable under Section 376 (2)(n), 366, 384, 506 read with Section 34 of the Indian Penal Code. Sessions case No. 325 of 2017 is filed in that crime and it is pending in the Court of Additional Sessions Judge, Aurangabad at present. It is filed against two accused. Submissions made show that father of the present applicant is already discharged in the matter and he was accused No. 2. Crime was registered on the basis of report given by respondent No. 2. On the date of FIR she was major. The applicant was also major. They were in touch with each other from the year 2015. Submissions made and the record show that ultimately they got married though after registration of the crime. A copy of certificate of marriage issued to them is produced on record. In the affidavit it is mentioned that prosecutrix, respondent No. 2 has no intention to give evidence against the applicant who is now her husband.

3. In view of above aforesaid circumstances, this court holds that nothing can be achieved if the applicant asked to face trial for the aforesaid offences. In the result following order is passed:

(3)

criapln2982.19

ORDER

- I. Application is allowed.
- II. Relief is granted in terms of prayer clauses (B) and (C).
- III. Rule is made absolute in those terms.

[S. M. GAVHANE, J.]

[T. V. NALAWADE, J.]