

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3168 OF 2018

1. Mandakini w/o. Ajinath Nikalje,
Age 45 years, Occu. Household,
R/o. Kavthe Bhimnagar, Paranda,
Tq. Paranda, Dist. Osmanabad.
2. Ajinath s/o. Hiraji Nikalje,
Age 50 years, Occu. Service,
R/o. Kavthe Bhimnagar, Paranda,
Tq. Paranda, Dist. Osmanabad.
3. Sapna @ Sandhya w/o. Sagar Pandit,
Age 30 years, Occu. Household,
R/o. Kavthe Bhimnagar, Paranda,
Tq. Paranda, Dist. Osmanabad.
4. Balbir s/o. Ajinath Nikalje,
Age 26 years, Occu. Business,
R/o. Kavthe Bhimnagar, Paranda,
Tq. Paranda, Dist. Osmanabad.

....Applicants.

Versus

1. The State of Maharashtra
Through Police Station,
Paranda, Dist. Osmanabad.
2. Balika d/o. Sarjerao Bansode,
Age 26 years, Occu. Advocate,
R/o. Kavthe Bhimnagar, Paranda,
Tq. Paranda, Dist. Osmanabad.

....Respondents.

Mr. H.I. Pathan, Advocate for applicants.

Mr. D.R. Kale, APP for respondent No. 1/State.

Mr. Shaikh Shoyab, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE, JJ.
DATED : 13/06/2019.**

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

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

2) The present proceeding is filed for relief of quashing of F.I.R. No.180/2018 registered with Paranda Police Station, Tq. Paranda, District Osmanabad for the offences punishable under sections 376(2)(n), 506 and 34 of Indian Penal Code (hereinafter referred to as 'IPC' for short). The crime is registered on the basis of report given by respondent No. 2, who is an advocate. She has contended in the F.I.R. that she came in contact with Ranvir Nikalje in the year 2015 and she had an affair with him. There was physical relationship between the first informant and Ranvir. Applicant No. 1 is the mother of Ranvir and applicant No. 2 is the father of Ranvir. Other two applicants are relatives of Ranvir.

3) Allegations are made that when the first informant approached applicant Nos. 1 and 2 to inform about the relationship and said that they wanted to marry, applicant Nos. 1 and 2 refused to allow such marriage. It is contended that in the year 2017 her parents had arranged her marriage with other boy, but Ranvir insisted that she should marry with him and so, she refused to

marry with other boy. It is her contention that after that even parents of Ranvir gave consent for this marriage. She has made allegations that a decision was taken to see that Ranvir starts earning and settles in his life and then the marriage was to be performed. It is contended that as she presumed that there will be marriage, the relationship was continued by her with Ranvir. It is her contention that on one occasion, she had agreed for Court marriage, but Ranvir avoided the Court marriage. It is contended that in September 2018 the relatives of Ranvir settled the marriage of Ranvir with other girl and then Ranvir refused to marry with her. It is her contention that after that threats of life were given to her and she was warned not to interfere in the affairs of Ranvir. It is her contention that she was deceived by Ranvir and his relatives had helped Ranvir. Due to such allegations, the crime is registered against Ranvir and his close relatives. The record is seen by this Court and it shows that she had come in contact with Ranvir in August 2015 when the present applicants had no knowledge about the relationship and first time in the year 2017 she had informed about this relationship to the applicants. Allegations do not show that applicants had made any false representation to the first informant. Vague allegations are made that on one occasion in the house of sister of Ranvir, there was sexual relationship with Ranvir and due to that, she has taken the name of sister by presuming that

the sister had helped Ranvir in that act. Allegations show that there was consent of the first informant to this relationship though there was promise from Ranvir of marriage. There was no such representation from the present applicants. It will be abuse of process of law, if the applicants are directed to face the trial for such offences. In the result, the application is allowed. Relief is granted in terms of prayer clause 'B' and 'B-1' to the extent of applicants only. Rule is made absolute in those terms.

[K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]

ssc/