

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2303 OF 2017**

Vishal Shivram LanghiPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Vivek V. Salunke, advocate for the petitioner.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. Rupesh A. Zade, advocate for the respondent No.3.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 10th APRIL, 2019.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing and setting-aside the FIR bearing CR No.424 of 2016 registered with Sangavi Police Station, District-Pune, at the instance of respondent No.2 for the offences punishable under Sections 363 and 376 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

3. The record reveals that the petitioner and respondent No.3

had a love affair and as respondent No.3 eloped with the petitioner, respondent No.2- maternal uncle of the respondent No.3 lodged the above FIR, since at the relevant time, respondent No.3 was 17 years & 11 months old. Subsequently on attaining majority, respondent No.3 got married to the petitioner on 28th November, 2016 and this marriage was registered by the Assistant Municipal Commissioner and Registrar of Marriages, Aundh Ward, Pune under the Registration of Marriages Act, 1998. A copy of the marriage certificate is annexed at page 23. The petitioner and respondent No.3, since the date of marriage, are staying together along with the petitioner's parents.

4. The matter was placed before this Court on 2nd August, 2017, on that day, following order was passed :

"1. Mr. Salunke, the learned Counsel appearing for the Petitioner at the outset states that the Petitioner and Respondent No. 3 are married subsequent to the incident in question. In support of his submission, he has annexed copy of the marriage certificate at page 23 to the petition. He also states Respondent No. 3 – the victim has no objection to quash the FIR against the Petitioner. Respondent No. 3 is present in the Court. She states that she is married with the Petitioner and therefore does not want the subject proceedings to continue against the Petitioner. However, the maternal uncle of Respondent No. 3, who lodged the FIR, is

not before the Court. Therefore, issue notice to Respondent No. 2 returnable on 21st August 2017. Till next date, the Investigating Officer shall not file charge-sheet in the subject FIR without prior permission of this Court. "

5. Respondent No.2-maternal uncle of respondent No.3, despite service of notice on 3 occasions, has not responded. Therefore, this Court by an order dated 12th December, 2018, directed the parents of the respondent No.3 to remain present before the Court. In pursuance of this direction, the mother of respondent No.3 is present before the Court today. The father of respondent No.3 has been operated recently and, therefore, he could not remain present. The parents of the petitioner are also present before the Court today. On being questioned by us, the parents of the petitioner and the mother of respondent No.3 specifically stated that the petitioner and respondent No.3 are married and are happily living together. The mother of respondent No.3 further stated that she has no grievance against the petitioner and prayed for quashing the subject FIR. Respondent No.3 has also independently filed an affidavit dated 11th September, 2017. By making averment in paragraph 3, she has given her no objection for quashing the subject FIR. Respondent No.3 is also personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof.

She has further confirmed that she has given no objection for quashing the subject FIR out of her own free will and without there being any pressure or coercion.

6. In the above facts and circumstances, we find that this an appropriate case to quash the subject FIR. In our opinion, quashing of the subject FIR would be in the interest of respondent No.3 herself. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In the light of the above, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the subject FIR pending except burdening the Criminal Courts which are already overburdened. The writ petition is accordingly allowed in terms of prayer clause(a) and is disposed of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]