

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3256 OF 2013

Suresh Hiralal Shinde ..Petitioner
V/s.
Vijay Shankar Ghodake & Ors. ..Respondents

Mr.Anant Vadgaonkar for the Petitioner.

Mrs.A.S. Pai, APP for the Respondent-State.

Mr.S.K. Ingale for Respondent Nos.1 and 2.

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

DATE : 05th APRIL 2019

P.C.

1. Heard learned counsel for the petitioner, learned counsel for respondent Nos.1 and 2 and learned APP for the respondent-State.

2. The petition is filed for quashing and setting aside the FIR bearing C.R. No.59 of 2009 registered at the instance of respondent No.1 with Sadar Bazar Police Station, Solapur against the petitioner for an offence punishable under Sections 363 and 366(A) of the Indian Penal Code.

3. The respondent No.2 victim at the relevant time was residing with respondent No.1 who is her matrimonial uncle. FIR alleges that the petitioner has abducted the respondent No.2 who was minor at that time.

4. Pending investigation, the petitioner and respondent No.2 got married in 2009 itself and started residing together. Two children are born out of the said wedlock. In above backdrop, now parties have approached this Court by quashing the subject FIR by consent. The respondent No.1 has filed an affidavit dated 28.02.2019. In paragraph No.3,4 and 5 following averments are made :-

“3. I say that the FIR was filed on 21.03.2019 and the respondent No.2 and petitioner were eloped on the said day and they were married thereafter. After their marriage they are residing peacefully with each other without any complainants.

4. I say that from the said wedlock they have begotten two children namely Rupali and Nitikesh. I further say that the family is residing withh peace and does not have complaint of

whatsoever nature against each other.

5. *Therefore, I say that, the FIR vide CR. No.59 of 2009 dated 21.03.2009 under Section 363 and 366 (A) against the petitioner be quashed with my consent. I say that at that time I had some anger against the petitioner, however, as on today my niece and the petitioner having resided together after marriage and having a family, I say that, I wish to forego the alleged offence against the petitioner and wish to not to proceed against him.”*

6. Likewise, the respondent No.2 has also filed separate affidavit. In paragraph Nos.3, 4 and 5, the following averments are made:-

“3. I say that the FIR was filed on 21.03.2009 and thereafter me and the petitioner having married are residing peacefully at above mentioned address without any complaint against each other.

4. I say that from the said wedlock we have begotten two children namely Rupali and Nitikesh. I further say that the family is residing with peach and does not have complaint of whatsoever nature against each other.

5. *Therefore, I say that, the FIR vide CR No.59*

of 2009 dated 21.03.2009 under Section 363 and 366 (A) against the petitioner be quashed with my consent.”

7. Both respondent No.1 and respondent No.2 as well as respondent No.2's parents are present before this Court. On specific query they have stated that petitioner No.1 and respondent No.2 got married in 2009 and they are happily staying together with two children born out of the said wedlock. They specifically state that the subject FIR be quashed and set aside.

8. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances, 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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

9. Accordingly, the application is allowed in terms of prayer clause (a).

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)