

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5661 of 2018**

Sharnappa Basalingappa Fulari and ors.Petitioners
versus
The State of Maharashtra and ors.Respondents

Mr. Vikrant V. Phatate, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. Ranjeet Patil, advocate for respondent No.3.

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

DATE : 16th APRIL, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed for quashing the proceedings of Sessions Case No.35 of 2015 pending on the file of Sessions Court at Solapur. The said case arises out of registration of FIR No.64 of 2014 with Akkalkot South Police Station, at the instance of respondent No.2, for the offences punishable under Sections 363 and 366-A read with Section 34 of the Indian Penal Code, 1860.
3. Learned counsel for the petitioners and respondent No.3 make a common statement that petitioner No.1 and respondent No.3

were in love relationship and respondent No.3 on her own accompanied petitioner No.1 and, thereafter, they got married in the year 2014. Learned counsel further submitted that both, petitioner No.1 and respondent No.3, are staying together since 2014 and have given birth to a son. It is further submitted that respondent No.2- the father of respondent No.3, at whose instance the FIR is registered, however, is not co-operating for quashing the criminal proceedings, since he is opposing the marriage of petitioner No.1 and respondent No.3.

4. Respondent No.3 has filed an affidavit dated 8th April, 2019. She has made averments in paragraphs 1, 2, 3 and 4, which are reproduced herein below :

1) *I say that I am legally wedded wife of Petitioner No.1. I got married with Petitioner No.1 on 9/12/2014 at Hingani. We have also one son.*

2) *I say that I have no objection if the proceeding arising of Sessions Case No.35 of 2015 pending before the Learned Sessions Court, Solapur is quashed and set aside.*

3) *I say that I have been read over and understood the contents of the Petition filed by the Petitioners and also gone through the annexures.*

4) *I say that by way of filing this petition both of us put an end to the case pending before the Learned Sessions Court, Solapur. Now I have no grievance of whatsoever nature against*

the Petitioners. The settlement between us is totally bonafide. I have not been pressurized by anybody and by any means to file this affidavit. I say that I have no objection if the proceedings bearing Sessions Case No.35 of 2015 arising out of F.I.R. bearing C.R.No.64 of 2014 is quashed."

Respondent No.3 is 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 further confirmed that she has given no objection for quashing the proceedings of the subject criminal case on her own free will and without there being any pressure or coercion. Petitioner No.1 is also present before this Court. He also confirmed that he is married to respondent No.3 and they have a son from the said marriage. He further confirmed that he is happily staying with his wife and son.

5. Thus it can be seen that though at the time of the offence, respondent No.3 was a minor aged 17 ½ years, she was in love relationship with petitioner No.1. The record further reveals that respondent No.3 on her own had accompanied petitioner No.1 and, subsequently, both of them got married and are staying together and they also have a son from the said marriage. In these circumstances, in our considered opinion, quashing of the criminal proceedings would be

in the interest of respondent No.3 and, therefore, we are inclined to do so in the absence of respondent No.2/complainant since he is against the marriage of petitioner and respondent No.3.

5. We have perused the complaint and we find that the allegations made therein 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. We, therefore, quash and set-aside the proceedings of Sessions Case No.35 of 2015 pending on the file of Sessions Court at Solapur arising out of registration of FIR No.64 of 2014 with Akkalkot South Police Station. The writ petition is, accordingly, disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]