

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

93. CRIMINAL APPLICATION NO. 1458 OF 2020

Shoeb S/o Younus Jamadar Shaikh,
age 26 years occup. R.T.O. Agent
R/o Kazibaba Road, Jamadar Chawl, Ward No. 2,
Shrirampur Taluka Shrirampur Dist. Ahmednagar
...Applicant

VERSUS

1. The State of Maharashtra
Through : Shrirampur City Police Station,
Taluka Shrirampur Dist. Ahmednagar
2. Sumayya D/o Mohammad Shaikh
age 28 years occupation service at RTO Office,
Shrirampur R/o Gade Galli, Belapur
Taluka Shrirampur Dist. Ahmednagar
...Respondents

Mr. G.R. Syed, Advocate for applicant
Mr. R.D. Sanap, Addl. Public Prosecutor for Respt. No.1/State
Mr. Pawan B. Pawar, Advocate for respondent No.2

CORAM : T.V. NALAWADE &
SHRIKANT D. KULKARNI, JJ.

DATE : 23rd November, 2020

ORAL JUDGMENT (PER T. V. NALAWADE, J.)

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

2. Present proceeding is filed for the relief of quashing of First Information Report No. 787 of 2019 registered with Shrirampur City Police Station for the offences punishable under Sections 376(N), 201, 417, 506 of the Indian Penal Code. During arguments, the learned Counsel for the applicant and the informant submitted that the parties have settled the dispute and accordingly the informant has filed reply affidavit. The informant is represented by learned Counsel Shri Pawan Pawar, who is present online. He has identified the informant. This Court has carefully gone through the nature of the allegations made in the F.I.R. and the reply affidavit in which consent is given for granting the relief. On the date of the F.I.R., age of the prosecutrix was 27 years. This Court is avoiding to quote allegations made in the F.I.R. In view of the nature of allegations and the circumstance that the prosecutrix has settled the dispute and she will not be giving evidence against the applicant, this Court holds that nothing can be achieved if the applicant is asked to face the prosecution for the aforesaid offences. By way of precaution, this Court had asked the learned Addl. Public Prosecutor to ask the concerned police station to verify the things and make submission. The learned Addl. Public Prosecutor has produced on record the statement, etc. The statement dated 9th October 2020

given to the police also shows that she has no grievance now against the present applicant. That record is taken in the present proceedings. In view of these circumstances, the following order.

ORDER

- (I) The application is allowed. Relief is granted in terms of Prayer Clause (B).
- (II) Rule made absolute in those terms.

Sd/-
(SHRIKANT D. KULKARNI)
JUDGE

Sd/-
(T.V. NALAWADE)
JUDGE

Madkar