

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.713 OF 2016

SUNIL S/O KACHARU MEHAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Arun V. Rakh
APP for Respondents : Mr. A. V. Deshmukh
...

CORAM : T. V. NALAWADE AND
M.G. SEWLIKAR, JJ.

DATE : 13th OCTOBER, 2020

PER COURT :-

1. Learned APP produced on record the report of Police Inspector, Police Station, Ambad, District Jalna alongwith photostat copies of the statements of Ghanshyam Ramprasad Soni and the victim-girl recorded on 10-09-2018. Said statements show that the girl involved in the matter is living with her parents. In view of this circumstance, present proceeding, which is filed as *Habeas Corpus*, cannot be continued further and the same should be disposed of.

2. It appears that in the past, on 18-09-2018, a show cause notice was issued to the petitioner as it was felt that he had filed mischievous and false proceeding. This Court carefully gone through the record produced by petitioner like a photostat copy of School Leaving Certificate and also photostat copy of passing certificate of 12th Standard Examination of girl. It is contention that they are in the company for sometime. The parents of girl were against the marriage. It appears

that subsequently the girl gave statement against the petitioner. Due to that, a crime was registered against the petitioner for the offences of kidnapping and rape. Only after decision in that case, it can be ascertained as to whether the present proceeding is mischievously filed by present petitioner or not. In view of this circumstance, this Court holds that it is not desirable to direct the petitioner to deposit compensation/exemplary cost. Hence, the entire proceeding is disposed of.

Sd/-

[**M.G. SEWLIKAR**]
JUDGE

Sd/-

[**T. V. NALAWADE**]
JUDGE

MTK