

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

CRIMINAL APPLICATION NO. 3292 OF 2019

1. Sharad S/o. Ashok Suryawanshi,
Age: 26 Years, Occupation: Labourer,
2. Ashok S/o. Tatyaba Suryawanshi,
Age: 52 Years, Occupation: Labourer,
3. Sau. Nandabai W/o. Ashok Suryawanshi,
Age: 47 Years, Occupation: Labourer,
4. Sudhakar Tatyaba Suryawanshi,
Age: 47 Years, Occupation: Labourer,

All R/o.: Mukundwadi,
Taluka and District Aurangabad.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Mukundwadi Police Station,
District Aurangabad.
2. Gajanan Raghunath Choudhary,
Age: 53 Years, Occupation: Service,
R/o.: Prakashnagar, Plot No.158,
Mukundwadi,
Taluka and District Aurangabad.

... RESPONDENTS

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Mr. Gajendra Devichand Jain, Advocate for Applicants.

Mrs. V. N. Patil (Jadhav), APP for Respondent No.1/State.

Mr. Ravindra C. Misal, Advocate for Respondent No. 2.

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

DATE : 24th January, 2020.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

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

2 The present proceeding is filed for relief of quashing of FIR No.198 of 2012, registered with Mukundwadi Police Station, District Aurangabad, for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code. Relief of quashing of the proceeding of Sessions Case No.104 of 2017 is also claimed.

3 During the course of arguments, the learned counsel for Applicants and the learned counsel for informant submitted that the parties have settled the dispute and due to some misconception report was given and accordingly statements were given. Affidavit to that effect is filed of the informant, who is father of the victim girl. The victim girl was aged about 17 years. As per the directions given by this Court, the affidavit of the victim girl, who is now aged about 26

years is also filed. It appears that the girl had married with that boy, Applicant No.1. There was cohabitation also. They have one issue, but after that they filed divorce proceeding and the divorce is obtained by them. The girl has no intention to give evidence. The girl is identified by Advocate Ravindra C. Misal. Her affidavit is taken on record. In view of these circumstances, this Court holds that relief needs to be given. In the result, the following order is passed:

ORDER

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

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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