

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3691 OF 2019

1. Badshah Mehmood Shaikh
age 23 years, occ. Private Service
R/o Muktapur, Tq. Newasa
Dist. Ahmednagar

2. Nizam Majnu Shaikh
age 35 years, occ. Labour
r/o as above.

Applicants

Versus

1. The State of Maharashtra
Through Police Inspector
Newasa Police Station
Tq. Newasa, Dist. Ahmednagar

2. Pratibha d/o Sanjay Gadekar
age 23 years, occ. Household
r/o Muktapur, Tq. Newasa
Dist. Ahmednagar.

Respondents

Mrs. S.S. Kazi, Advocate for the applicants.

Mr. R.V. Dasalkar, APP for respondent No. 1.

Mr. Aftab Patel, Advocate holding for Mr. Shaikh Wajed, Advocate for
respondent No. 2.

CORAM : T.V. Nalawade &

M.G. Sewlikar, JJ.

DATE : 11th February, 2020.

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

1. Rule. Rule made returnable forthwith.

2. By consent, heard both the sides for final disposal.

3. During argument, it was submitted that respondent No. 2 – prosecutrix has filed affidavit to the effect that she has no intention to give evidence against the applicants. It is her contention that applicant No. 1 is now her husband. Applicant No.2 is the friend of applicant No. 1. The First Information Report was filed on 15.10.2019 which was mainly against applicant No. 1 and allegations of rape were made against him. At that time, the prosecutrix was aged about 23 years.

4. In view of the contents of affidavit, this Court holds that nothing can be achieved by asking the applicants to face trial for offence punishable under Sections 376, 506 of the Indian Penal Code and Section 67 of the Information Technology Act.

5. In the result, application is allowed. Relief is granted in terms of prayer clause 'B'. Rule made absolute in those terms.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge