

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.2007 OF 2019

1. Pradip S/o. Bhikaji Jagtap,
Age 20 years, Occu. Service,
 2. Laxmi W/o. Bhikaji Jagtap,
Age 50 years, Occu. Household,
 3. Bhausahab S/o. Bhikaji Jagtap,
Age 60 years, Occu. Agril.,
All R/o. Kadwali, Taluka Kalyan,
District Thane.
 4. Asha W/o. Vinayak Kadam,
Age 35 years, Occu. Service,
R/o. Kalya, Taluka Kalyan,
District Thane.
- .. Petitioners
(Original Accused)

Versus

1. The State of Maharashtra,
Through Police Inspector,
Rajur Police Station,
Taluka Akole, District Ahmednagar.
 2. Varsha Sanjay Katade,
Age 21 years, Occu. Household,
R/o. Guhire, Taluka Akole,
District Ahmednagar.
- .. Respondents

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Mr. K. N. Shermale, Advocate for Petitioners.
 Mr. Y. G. Gujrathi, APP for Respondent No.1 State.
 Mr. Umesh S. Mote, Advocate for Respondent No.2.

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

DATE : 07th SEPTEMBER, 2020

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

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

2. Present proceeding is filed for quashing First Information Report No. I-121 of 2019 registered with Rajur Police Station, Tahsil Akole, District Ahmednagar, for the offences punishable under Sections 376 (1)(2), 341, 342, 323, 504 and 506 of the Indian Penal Code and pursuant to said crime also case is filed bearing RCC No. 56 of 2020. At present, the matter is pending in the Court of Judicial Magistrate, First Class, Akole, District Ahmednagar. It appears that, it is not yet committed to the Court of Sessions.

3. During the course of arguments, the learned counsel for applicants and the learned counsel for respondent No.2 first informant submitted that the parties have settled the dispute and they are present in the Court Hall. Learned counsels further submitted that, reply affidavit of respondent No.2 first informant is filed on record. In affidavit the age of respondent No.2 prosecutrix is 23 years and in the FIR her age is shown as 21 years old. FIR was given on 10-06-2019. In affidavit respondent No.2- first informant has contended that there was physical relationship with one of the applicants namely Pradip since November-2016. She has made allegations against other applicants, who are relatives of Pradip that they directly and indirectly helped Pradip, when Pradip was giving illtreatment to her. In the affidavit, she has stated that she has no desire to give evidence against all applicants. In view of nature of allegations made against applicants and affidavit now filed by her that she does not want to proceed against the applicants and give evidence against them, this Court holds that relief needs to be granted to the applicants. In the result, the Writ Petition is allowed. Relief is granted in terms of prayer clause 'B'. Rule is made absolute accordingly.

[M. G. SEWLIKAR]
JUDGE

[T. V. NALAWADE]
JUDGE