

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4517 OF 2019

Inayat Abdul Majid Hurzuk

... Petitioner

Versus

The State of Maharashtra and anr.

... Respondents

Mr. Sandesh Patil for the petitioner.

Mr. Pavan Patil for respondent no. 2.

Mr.K.V. Saste, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : JANUARY 22, 2020

P.C.:

Petitioner is present with his advocate. Respondent no.2 is present with her advocate. Learned APP appears for the State.

2. Respondent no.2 has already given affidavit on 29/8/2019 bringing on record her desire not to prosecute the petitioner and to withdraw the allegations made against him. Today she has filed additional affidavit bringing on record the fact of her marriage about two years back and stating that she is happily staying with her husband.

3. Learned APP has invited our attention to the statement of respondent no.2 in support of the FIR and claims that the

offence is of grave and serious nature.

4. We have considered the facts. No doubt the offence is of grave and serious nature but then the victim has now settled herself and is living happy married life.

5. In this situation, we find that nothing fruitful will come out of the prosecution.

6. However, we are inclined to saddle cost of RS. 1 lac on the petitioner. Petitioner to pay that amount to Police Welfare Fund of State of Maharashtra within four weeks from today. Subject to payment of the said amount as cost, we make the rule absolute in terms of prayer clause (a). Consequently Criminal Case No. RCC/117/2016 on the file of the J.M.F.C. Mahad is quashed and set aside.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)