

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 998 OF 2019

Akshay Raju Deshmukh,
Aged about 22 years, Occ. Education,
R/o. Mothi Umri, Akola,
Tah. & District Akola.

.....APPLICANT

... **VERSUS** ...

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Dabki Road,
Akola, District Akola.
2. Yogita Mahadeo Kendre,
Aged about 18 years, Occ. Education,
R/o. Jagruti Mahila Vastigruha
(Rajya Gruha), Income Tax Chowk,
Adarsha Colony,
in front of Korpe Co. op. Bank, Akola.
3. Sou. Sunita Mahadeo Kendre,
Aged 42 years, Occ. Household,
R/o. Rajankhed at present
residing at Godbole Plot, Akola,
District Akola.

.....NON-APPLICANTS

Shri S. K. Wankhade, Advocate for the Applicant.

Shri S. S. Doifode, Additional Public Prosecutor for the Non-applicant
No.1/State.

Ms Archana S. Lanjewar, Advocate for the Non-applicant No.2.

Shri Apurv De, Advocate h/f. Shri Sagar Katkar, Advocate for the
Non-applicant No.3.

**CORAM : V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 17.08.2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Heard.

2. Rule. Rule is made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicant is challenging registration of the First Information Report No.282/2018 dated 15.09.2018 registered with the non-applicant No.1 - Police Station for the offences punishable under Sections 363, 366, 354-D of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act.

4. The First Information Report came to be registered against the applicant with the accusations that the applicant aged about 22 years developed love affairs with the non-applicant No.2, who was minor on the date of incident. It is alleged that the applicant kidnapped the non-applicant No.2 on 14.04.2018. The non-applicant No.3 has therefore, lodged report against the applicant on 22.06.2018 with the Police Station. On the receipt of said report, the non-applicant No.1 has registered a Crime No.282/2018 against the applicant with the non-applicant No.1-Police Station. The applicant has therefore, challenged registration of the First Information Report against the present applicant.

5. During pendency of the present application, the applicant and the non-applicant Nos.2 and 3 have filed affidavit dated 31.07.2021 before this Court stating that the parties have

amicably resolved their dispute and the non-applicant Nos.2 and 3 do not want to prosecute the applicant. It is stated that the non-applicant No.2 married with the applicant and he is happily residing in her matrimonial home.

6. Today, the non-applicant Nos. 2 and 3 are present in the Court. The non-applicant No.2 has stated before the Court that she is happily residing with the applicant as husband and wife in her matrimonial home and interest of justice would be made if the prosecution against the applicant is quashed and set aside.

7. This Court in ***Criminal Application No. 988/2019*** (*Taj @ Arjun S/o. Ajay Mishra and Anr. Vs. State of Maharashtra*) decided on 22.10.2019, in ***Criminal Application No.167/2019*** (*Areeb Naseer Sarguroh Vs. The State of Maharashtra and Anr.*) decided on 09.10.2019 and also in ***Criminal Writ Petition No.137/2015*** (*Meghnath Pandurang Divkar Vs. State of Goa and Ors.*) decided on 28.10.2015 had quashed the First Information Report registered under the provisions of the Protection of Children From Sexual Offences Act, 2012 on the ground of compromise between them.

8. The applicant has produced on record the marriage certificate dated 10.08.2020, which shows that the applicant had performed marriage with the non-applicant No.2 on 05.08.2019.

Since the non-applicant No.2 was 17 years on the date of the offence and had sufficient maturity and the age of applicant on the date of incident was 22 years and since the applicant and the non-applicant No.2 have married and are residing as a husband and wife, there is no impediment in quashing the First Information Report against the applicant.

9. We therefore, pass the following order :

The First Information Report No.282/2018 dated 15.09.2018 registered with the non-applicant No.1 - Police Station for the offences punishable under Sections 363, 366, 354-D of the Indian Penal Code read with Section 12 of the Protection of Children From Sexual Offences Act is quashed and set aside.

10. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE