

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4301 OF 2021

Shrikant Atmaram Ranmale
VS.

...Petitioner

1. The State of Maharashtra

2. Sakina Soufan Shaikh

3. Supriya Soufan Shaikh

...Respondents

Mr. Prashant Patil - Advocate for the Petitioner

Mr. J. P. Yagnik - APP for the Respondent-State

Ms. Vrushali Maindad - Advocate for Respondent No. 3

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.**

DATE : 29th SEPTEMBER, 2022

P. C. :-

1. Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the Respondent No.1-State. Ms. Vrushali Maindad waives notice on behalf of the Respondent No.3.

3 By this petition, the Petitioner seeks quashing of the FIR, bearing C.R. No. 1153 of 2019 registered with the Hinjewadi Police Station, Pune, for the alleged offence punishable under Section 363 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. According to the Respondent No. 2-original complainant, the Petitioner abducted her daughter i.e. the Respondent No. 3, a major at the relevant time. As the Respondent No. 3 was not traceable, the Respondent No. 2 (original complainant and mother of Respondent No. 3) filed the aforesaid C.R., alleging the aforesaid offence.

5 It appears that the Petitioner and the Respondent No. 3, on their own accord had run away from home, as the Respondent No. 3's family was opposing the marriage of the Petitioner and the Respondent No. 3. We are informed that the Petitioner and the Respondent No. 3 have got

married with each other by consent. It appears that the said inter-faith marriage was not accepted by the Respondent No. 3's family.

6 The Petitioner and the Respondent No. 3 have filed the aforesaid petition seeking quashing of the aforesaid C.R., lodged at the instance of the Respondent No. 3's mother i.e. Respondent No. 2 - Sakina Soufan Shaikh. They state that they both are adults and the relations between them were consensual. They state that they are married with each other and that the Respondent No.3 is, 22 weeks pregnant. The Respondent No. 3 is present in-person. She submits that she married the Petitioner on her own accord.

7 Learned APP has tendered the statement of the Respondent No. 3's father- Soufan dated 31/07/2021. The said statement is taken on record. As per the said statement, the Respondent No. 3's father has stated that the Petitioner and his daughter have got married and that

the F.I.R. was lodged out of some mis-understanding by his wife i.e. the Respondent No. 2. He has further stated that the Petitioner has not abducted his daughter i.e. the Respondent No. 3 and that his daughter (Respondent No. 3) is happily living with the Petitioner and that he has no complaint against the Petitioner.

8 The Respondent No. 2 has filed her affidavit which is at page no. 16 at Exh. 'C' of the petition. The said affidavit dated 19/09/2021 is duly affirmed before the notary. In the said affidavit she has stated that she has married the Petitioner and is living happily with him and that she is 22 weeks pregnant. On questioning, she reiterates what is stated by her in her affidavit. Learned Counsel for the Respondent No. 3 has identified the Respondent no. 3. Learned counsel for the Petitioner has also annexed a self attested xerox copy of the Aadhar card of the Respondent No. 3 dated 19/09/2021 and the learned APP has also verified the original Aadhar card of the Respondent no. 3.

9 Considering the nature of dispute and what is stated aforesaid and the judicial pronouncements in this regard, there is no impediment in allowing the petition.

10 The petition is accordingly allowed and the FIR bearing, C.R. No. 1153 of 2019 registered with the Hinjewadi Police Station, Pune, for the alleged offence punishable under Section 363 of the Indian Penal Code is quashed and set-aside and consequently, the proceeding, if any, arising from the said C.R., is also quashed and set aside.

11 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12 All concerned to act on the authenticated copy of this order.

[S. M. MODAK, J.]

[REVATI MOHITE DERE, J.]