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

CRIMINAL APPLICATION NO.880 OF 2022

Vipul Vishwas Pawar ... Applicant
Versus
State of Maharashtra & Anr. ... Respondents

Mr. Deepak Shukla i/b B. N. Shukla & Company for the Applicant.

Mr. J. P. Yagnik A.P.P for the Respondent No.1-State.

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

DATE : 27TH 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 is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1-State.
- 3 By this petition, the petitioners seeks quashing of the FIR bearing C.R. No. Of 792 of 2022 registered with the Nirmal Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 376 and 506 of the Indian Penal Code.

4 Quashing is sought on the premise, that the parties have amicably settled their dispute, inasmuch as, the applicant has got married to the respondent no.2, on 15th August 2022.

5. Perused the papers. The respondent no.2 (original complainant) was aged 19 years, at the relevant time. She got introduced to the applicant on Instagram in 2019. Pursuant thereto, they became friends and started calling each other and also stated meeting each other, frequently. She has stated that in July 2022, as she had pain in her abdomen, she was taken to the hospital, and in the sonography it was revealed that she was six weeks pregnant. Pursuant thereto, the respondent no.2 lodged the complaint/FIR, as against the applicant alleging an offence punishable under section 376 of the Indian Penal Code. It appears that post the lodging of the aforesaid FIR, the respondent no.2 gave her statement dated 15th July 2022, to the police. The said statement is at Exhibit-G at page 41 of the application. The same is duly signed by her. The respondent no.2 in the said statement has stated, that the relations between her and the applicant were consensual and that she

had given a false statement/complaint, out of fear of her parents. It appears that thereafter, on 15th August 2022, the applicant and the respondent no.2 got married. To the aforesaid application, are annexed photographs of the said marriage alongwith the marriage certificate (Exhibit-E) at page 33. The parents of both, i.e. the applicant as well as the respondent no.2 are present in Court, today. The respondent no.2 is also present in person. She has tendered her affidavit dated 27th September 2022, duly affirmed before the notary. She has also tendered a xerox copy of the Aadhar card, duly attested by her. The same is also taken on record. Learned Counsel for the applicant has identified the respondent no.2 and her parents. The learned APP has also verified the original Aadhar card. The parents of the applicant and the respondent no.2 are present. On being questioned, they state that the marriage has taken place with their blessings and they too have no objection, to quashing and set aside of the said C.R.

6 Learned APP states that the charge-sheet has been filed, however, the said charge-sheet is yet to be numbered.

7. Considering the fact, that the applicant and the respondent no.2, both adults have got married on 15th August 2022, that the respondent no.2 is expecting a child, the respondent no.2's affidavit, statement given by the respondent no.2 to the police on 15th July 2022, we feel that there is no impediment, if the application is allowed. Even otherwise, facts reveal that the relations between the petitioner and the respondent no. 2 were consensual and hence, the offence of Section 376 of the Indian Penal Code is not made out.

8 The application is accordingly allowed and the FIR bearing C.R. No. 792 of 2022 registered with the Nirmal Nagar Police Station, Mumbai, and proceeding, if any, arising therefrom, are quashed and set-aside.

9 Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.