

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.91 OF 2023

1. Nitinkumar Himmatsing Vasave
2. Bhurya @ Robinsing Kesarsing Valvi ... **APPLICANTS**

VERSUS

1. The State of Maharashtra
2. A B C
3. A B C ... **RESPONDENTS**

.....
Mr. Amit S. Savale, Advocate for applicants
Mr. S.D. Ghayal, A.P.P. for State
Mr. Ameya Sabnis, Advocate for respondents No.2 and 3
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 6th JULY, 2023

ORDER :

Heard. The applicants are accused of having committed offence punishable under Sections 376(2)(I), 363, 366, 34 of the Indian Penal Code read with Sections 3, 4, 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. At the relevant time, the informant (victim) was little over 16 years of age. The F.I.R. was lodged by her father, alleging both the applicants to have kidnapped his daughter (victim). The

victim girl has now attained majority. She has admittedly married applicant No.1 Nitinkumar. The couple is blessed with a baby boy. Both of them have been leading happy married life. They are present before the Court.

3. The learned A.P.P. has reservations to allow the application for quashing of the F.I.R. and the consequential charge sheet on the ground of it being a serious offence and the victim at the material time was minor. He may be right. The fact is, however, that the applicant No.1 and the victim have married. They are blessed with a child and have been leading a happy married life. The parents of the victim are also present before the Court. In our view, there could be no facts better than the present one to grant the relief asked for. In view of the same, the application is allowed in terms of prayer clause (B).

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-