

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

CRIMINAL APPLICATION NO.199 OF 2023

Pradeep s/o. Rajabhau Munde	..Applicant
Vs.	
The State of Maharashtra and anr.	..Respondents

Mr.R.G.Hange, Advocate for applicant
Mr.M.M.Nerlikar, APP for respondent no.1
Mr.C.A.Shingane, Advocate for respondent no.2

**CORAM : SMT. ANUJA PRABHUDESSAI
AND R.M.JOSHI, JJ.
DATE : JANUARY 13, 2023**

ORDER :-

This is an application under Section 482 of the Code of Criminal Procedure for quashing FIR No.226 of 2019 registered with Shivaji Nagar Police Station, Dist.Beed, for the offences punishable under Sections 376, 417, 307, 354, 354-A(4) and 506 of Indian Penal and Sections 3(1)(12), 3(2)(va), 3(1)(r)(s), 3(1)(w), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The aforesaid crime was registered pursuant to the FIR lodged by respondent no.2. Learned counsel for the applicant and learned counsel for respondent no.2 state that the parties have settled the dispute amicably.

3. A perusal of the FIR reveals that the applicant and the respondent no.2 were known to each other since the year 2016. It appears that subsequently, since the year 2019, they were in physical relationship with each other. The respondent no.2 lodged the complaint mainly because the applicant has refused to marry her.

4. The FIR reveals that the applicant and the respondent no.2 had entered into consensual relationship. Hence, the offence under Section 376 of I.P.C. as well as offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are not made out.

5. As regards the other offences, the respondent no.2 has filed her affidavit, wherein she has given no-objection to quash the FIR. The applicant and the respondent no.2 are present before this Court along with their respective counsel. The applicant as well as the respondent no.2 have confirmed that they have settled the dispute amicably. The respondent no.2 has given no-objection to quash the FIR.

6. Considering the nature of the offence and also considering the fact that the respondent no.2 has accorded her no-objection for quashing the FIR, we are of the view that this is a fit case for quashing the FIR in exercise of the powers under Section 482 of the Code of Criminal Procedure.

7. In view of the above, the application is allowed in terms of prayer clause (B). Consequently, FIR No.226 of 2019 registered with Shivaji Nagar Police Station, Dist.Beed, for the offences punishable under Sections 376, 417, 307, 354, 354-A(4) and 506 of Indian Penal and Sections 3(1)(12), 3(2)(va), 3(1)(r)(s), 3(1)(w), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, stand quashed, subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand), to be deposited by the applicant and the respondent no.2, each, in the High Court Bar Library, Aurangabad.

[R.M. JOSHI, J.]

[SMT. ANUJA PRABHUDESSAI, J.]

KBP