

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.316 OF 2023

RAOSAHEB PANDURANG SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. P. P. Giri, Advocate for the Applicant.
Mr. A. R. Kale, APP, for the Respondent – State.
Ms. Divya P. Khandelwal, Advocate for the Respondent
No. 2. (Appointed).

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CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : FEBRUARY 08, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.
2. This is an application under Section 482 of the Code of Criminal Procedure to quash the FIR No. 60/2022 registered with Amalner Police Station, Jalgaon for offence punishable under Section 363 of the IPC.
3. Ms. Divya P. Khandelwal is appointed to espouse the cause of the Respondent No. 2.
4. Heard learned Counsel for the Applicant, learned APP for Respondent – State and learned Counsel for Respondent No. 2.

5. We have perused the records and considered the submissions advanced by learned Counsel appearing for respective parties.

6. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No. 2, mother of the victim. The Respondent No. 2 has alleged that in the intervening night of 05.02.2022 and 06.02.2022 she found that her minor daughter was not in the house and they were unable to trace her. They had earlier seen the Applicant talking her daughter. The FIR came to be lodged against the Applicant on a suspicion that the Applicant was involved in kidnapping her daughter.

7. Learned Counsel for the Applicant states that the Applicant and the daughter of the Respondent No. 2 were in love with each other. She had eloped with the Applicant and get married on attaining the age of majority. The parents have accepted the relationship of the Applicant and their daughter and have decided to quash the FIR and the criminal proceedings. They have placed on record reply cum Deed of Settlement wherein it is stated that the Applicant and the daughter of the Respondent No. 2 are married and both the parties have

settled the dispute amicably and that the Respondent No. 2 has no objection for quashing the subject FIR and consequent criminal proceedings. They have also placed on record Marriage Certificate, a perusal of which reveals that marriage of the Applicant and the daughter of the Respondent No. 2 was solemnized on 10.11.2022. Marriage Registration Certificate also reveals that marriage between the Applicant and the daughter of the Respondent No. 2 has been registered on 17.11.2022 in the Office of the Sub-Registrar, Pune.

8. Learned APP states that the statement of the victim has not been recorded and the charge-sheet has also not been filed before the learned Magistrate.

9. The Respondent No. 2 as well as her daughter are present before the Court. They confirm that the dispute has been amicably settled. The daughter of the Respondent No. 2 states that she was in love with the Applicant and had left the house on her own wish. She further states that marriage between both of them was solemnized after attaining the age of majority and presently she is living in her matrimonial home with the Applicant.

10. Considering the above facts and circumstances, in our considered view, this is a fit case to exercise powers under Section 482 of the Cr.P.C to secure the ends of justice. In the result, the Application is allowed in terms of prayer clause 'B'. Consequently, the FIR No. 60/2022 registered with Amalner Police Station, Jalgaon for offence punishable under Section 363 of the IPC is quashed.

11. Fees of the appointed advocate is quantified @ Rs. 6,000/- to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)