

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

CRIMINAL APPLICATION NO. 1344 OF 2021

1. Sachin Waman Chavan
Age: 32 years, Occu.: Student

2. Arati Ganesh Rathod
Age: 25 years, Occu.: Student

3. Sangita Ganesh Rathod
Age: 40 years, Occu.: Agri.

All R/o At Kakada Post Ner,
Tq. & Dist. Jalna

4. Surajkumar Ganesh Rathod
(withdrawn vide order dated 02nd July, 2021) ..APPLICANTS

VERSUS

1. State of Maharashtra
Through it's Investigating Officer,
Sadar Bazar Police Station Jalna,
Tq. & Dist. Jalna

2. XYZ through her father ..RESPONDENTS

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Mr. S.P. Rathod, Advocate for applicants

Mr. A.R. Kale, A.P.P. for respondent no.1 – State

Mr. R.C. Bora, Advocate h/f Mr. R.M. Jade, Advocate for respondent no.2

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**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 17th JANUARY, 2023

PER COURT :

1. Leave granted to mask the name of Respondent No.2 from the cause title. Amendment to be carried out forthwith.

2. This is an application under Section 482 Code of Criminal Procedure to quash the F.I.R. bearing C.R. No. 227 of 2021 registered with Sadar Bazar Police Station, Dist. Jalna and consequent charge-sheet bearing R.C.C. No. 185 of 2022 pending on the file of learned J.M.F.C., Jalna for the offences punishable under Section 366, 376, 504, 506 read with Section 34 of the Indian Penal Code.

3. Heard learned counsel for the applicants, learned A.P.P. and learned counsel for Respondent No.2. We have perused the record and considered the submissions advanced by learned counsel for the respective parties.

4. At the outset, it may be mentioned that by order dated 02nd July, 2021 the application as against Applicant No.4 was allowed to be withdrawn. The question for our consideration is that whether the F.I.R. and other material on record discloses offence as alleged against Applicant Nos. 1 to 3.

5. A perusal of the F.I.R. reveals that the Respondent No.2 had friendly relation with Applicant No.4. She has claimed that Applicant No.4 has proposed to marry her. On 01st March, 2021 he called her and told to accompany him to Aurangabad. She has claimed that Applicant No.4 took a room on rent near the house of Applicant No.1 and that they stayed in the said room till 22nd March, 2021. She has stated that Applicant No.4 had

established physical relation with her under the promise of marriage. She claimed that during this period Applicant Nos. 2 and 3, being mother and sister of Applicant No.4 respectively, came to reside with them in the said room. She claimed that she had told Applicant Nos. 2 and 3 that Applicant No.4 had established physical relation with her under the promise of marriage and that now he was refusing to marry her. She has stated that the applicants threatened to kill her if she continued to live with Applicant No.4. Thereafter she returned to the house of her parents and informed them about the incident.

6. The F.I.R. and other material on record reveals that the complainant and Applicant No.4, both adults, had consensual relationship with each other. The F.I.R. discloses that the Respondent No.2 had taken a conscious decision to leave the house at her own free will and live with the Applicant No.4 in a rented room. Applicant Nos. 1 to 3 were in no way involved in the matter. They did not compel her to leave the house of her parents and/or to accompany the Applicant No.4. The contents of the F.I.R. and other material on record, even if taken at their face value and accepted in their entirety do not disclose any cognizable offence as against these applicants. Under the circumstances, continuation of criminal proceeding against these applicants will be an abuse of the process of Court.

7. In the result, the criminal application is allowed. Consequently, F.I.R. bearing C.R. No. 227 of 2021 registered with Sadar Bazar Police Station, Dist. Jalna and consequent charge-sheet bearing R.C.C. No. 185 of 2022 pending on the file of learned J.M.F.C., Jalna for the offences punishable under Section 366, 376, 504, 506 read with Section 34 of the Indian Penal Code are quashed qua Applicant Nos. 1 to 3.

(R.M. JOSHI, J.)

SSD

(SMT. ANUJA PRABHUDESSAI, J.)