

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

CRIMINAL APPLICATION NO.1544 OF 2021

KHANDU PITAMBAR LONDHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. P. P. More, Advocate for the Applicants.
Mr. M. M. Nerlikar, APP, for the Respondent – State.
Mr. Sohail Subhedar, Advocate for the Respondent No. 2
(Appointed).

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

DATE : FEBRUARY 21, 2023

PER COURT :

1. At the outset, learned Counsel for the Applicants seeks leave to withdraw the Applications on behalf of Applicant Nos. 1 and 3.

2. Leave granted. Necessary endorsement be made in the cause-title against the names of Applicant Nos. 1 and 3.

3. With consent, heard finally at the stage of admission.

4. This is an application under Section 482 of Cr.P.C to quash the FIR bearing Crime No. 0366/2021 registered with Vivekanand Chowk Police Station and R.C.C. No. 2008/2021 pending on the file of learned

Chief Judicial Magistrate, Latur for the offences punishable under Sections 376(2)(n), 377, 420, 313, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

5. The aforesaid crime was registered pursuant to the first information report lodged by the Respondent No. 2. A perusal of the FIR reveals that Applicant and Respondent No. 2, both adults, had indulged in sexual relationship. Respondent No. 2 has stated that the Applicant No. 1 had promised to marry her and that he had also taken her to a Temple and performed religious marriage in presence of a priest. Subsequently, he refused to register the marriage. It is stated that the Applicant Nos. 2 and 4, being the father and brother of the Applicant No. 1 had obtained her signatures on a settlement deed under the pretext that the same was required for registration of marriage. It is on this basis the aforesaid FIR came to be registered.

6. The only allegations against the Applicant Nos. 2 and 4 are that they had obtained the signature of Respondent No. 2 on a document by misrepresenting that the same was required to registration of her

marriage. It is to be noted that the Respondent No. 2 has herself stated that there was a settlement between both the parties and pursuant to the said settlement she had withdrawn the case against applicant no. 1. In this backdrop, the allegations leveled against applicant nos. 2 and 4, even if accepted in their entirety, do not constitute any cognizable offence. In such circumstances, compelling the Applicants to face criminal proceedings would be an abuse of the process of Court. Hence, in our considered view, this is a fit case to exercise discretion under Section 482 Cr.P.C.

7. In the result the application is allowed in terms of prayer clause 'C' & 'C-1' *qua* Applicant Nos. 2 and 4. As a consequence, FIR bearing Crime No. 0366/2021 registered with Vivekanand Chowk Police Station and R.C.C. No. 2008/2021 pending on the file of learned Chief Judicial Magistrate, Latur for the offences punishable under Sections 376(2)(n), 377, 420, 313, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code are hereby quashed *qua* Applicant Nos. 2 and 4.

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

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)