

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.260 OF 2023**

Narendra Singh Ramsingh Godara

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Gautam T. Kanchanpurkar for Applicant.

Mr. Ajay Patil, A.P.P. for the Respondent No.1-State.

Mr. Sasidharan Nair V.K. for Respondent No.2.

Mr. Digvijay Metkari (P.S.I.) Marine Drive Police Station, Mumbai is present.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 24th MARCH 2023.****P.C.:-**

1. Rule. Rule made returnable forthwith and by consent of learned Advocate for respective parties, taken up for hearing.

2. This is an Application under Section 482 of Criminal Procedure Code for quashing the criminal proceedings in Sessions Case No.233 of 2016 pending before the Court of Sessions for Greater Bombay.

3. The First Information Report (*for short 'FIR'*) was registered with Marine Drive Police Station, Mumbai on 21.01.2014 by Respondent No.2 under Section 366 read with Section 34 of Indian Penal Code (*for short 'IPC'*). It was alleged that, the accused had kidnapped the complainant and performed marriage with her. In the supplementary statement Respondent

No.2 has alleged that, the accused had subjected the victim/Respondent No.2 to sexual assault while she was in his custody at Madhya Pradesh. On completing investigation, charge-sheet was filed for offences under Sections 376, 366, 328, 506 of read with Section 34 of IPC.

4. Respondent No.2 filed Marriage Petition No.A-2326 of 2014 in the Family Court at Bandra for annulment of marriage under Section 12(1)(c) of the Hindu Marriage Act. The Applicant filed counter claim for Restitution of Conjugal Right. Vide Judgment and Decree dated 10.08.2020 the Family Court rejected the Petition filed by Respondent No.2 and allowed the counter filed by Applicant. Thereafter, Respondent No.2 filed Marriage Petition No.2623 of 2021 before the Family Court at Bandra for divorce. During the pendency of petition, both the parties decided to settle the dispute between them. The executed 'Consent Terms' wherein it was agreed that, the proceedings initiated by both the parties against each other would be withdrawn. Respondent No.2 would not proceed with the criminal case pending before the Sessions Court, Mumbai and she shall cooperate with the applicant to quash the said proceedings. It is also stated that, Applicant and Respondent No.2 got married at Ajmer on 13.01.2014. They were staying separately. Both parties agreed that, they shall appear before Family Court to obtain decree of divorce after disposal of criminal case.

5. Respondent No.2 is personally present in the Court. She has filed an

Affidavit before this Court. The contents of the Affidavit are confirmed by her. In the said Affidavit it is stated that, she has no intention to continue the case before the Sessions Court. Learned Advocate for Respondent No.2 on instructions submitted that, Respondent No.2 has no objection for quashing the impugned proceedings. It appears that, the trial had commenced and the evidence of Respondent No.2 was recorded.

6. It is pertinent to note that, the parties have performed the marriage. Respondent No.2 had initiated the proceedings before the Family Court for divorce. They have executed 'Consent Terms' which are pending for consideration before the Family Court. Respondent No.2 has filed an Affidavit supporting the prayers for quashing the proceedings. She has no objection for quashing the impugned proceedings. Considering the factual aspects as above, the nature of relationship between applicant and Respondent No.2, the proceedings can be quashed.

Hence, the following Order :-

ORDER

- i) Criminal Proceedings in Sessions Case No.233 of 2016 pending before the Court of Sessions for Greater Bombay are quashed and set aside.
- ii) Rule is made absolute in terms of prayer Clauses (b) and (c) of the Application.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)