



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2769 OF 2023**

Anil J. Garje

...Petitioner

Versus

State of Maharashtra & Ors

...Respondents

Mr. Sujeet Bugade i/b Mr. Hasnain Kazi for the Petitioner.

Ms S.S. Kaushik, APP for the Respondent/State.

Ms Shraddha Vavhal for the Respondent No.3.

**CORAM : SMT ANUJA PRABHUDESSAI &
N. R. BORKAR, JJ.**

DATED : 29 SEPTEMBER 2023.

PC:-

1. This is a petition under Article 226 of the Constitution of India to quash the FIR No.29 of 2023 registered at Indranagar Police Station, Nashik for offence punishable under Section 363 of the Indian Penal Code, 1860.

2. The said crime was registered pursuant to the FIR lodged by the Respondent No.2 herein. The facts narrated in the FIR reveal that the daughter of the first informant who was above 19 years of age, was in relationship with the petitioner herein. The first informant called her brother and requested him to take her daughter to Nashik and convince her not to marry the petitioner. Accordingly, on 12 February 2023 the brother of first informant took the victim to his house at Nahsik. On 13 February 2023, they found that the victim had left the

house and had not returned. The first informant suspected that the petitioner herein had abducted her daughter.

3. The victim (respondent No.3) has filed her affidavit stating that she had left the house on her own free will and married the petitioner without any coercion and undue influence. She has stated that her mother did not approve their relations and hence lodged the first information report.

4. It is not in dispute that the daughter of the first informant was above 19 years of age. She was in love with the petitioner and on 8 June 2023, she left the house on her own free volition and later married the petitioner. She was neither taken away nor induced by the petitioner but had left her home voluntarily, to be in company of the petitioner as his legally wedded wife. Hence, the essential ingredients of Section 363 of the IPC are not made out. In such circumstances, the continuance of criminal proceedings will be abuse of process of law. Consequently, this is a fit case to exercise powers under Article 226 of the Constitution of India and to quash the proceedings. Hence, the following order :

(i) Writ Petition is allowed.

(ii) FIR No.29 of 2023 registered at Indranagar Police Station, Nashik for the offence punishable under Section 363 of the Indian Penal Code, 1860 and all consequential proceedings arises therefrom stand quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)