



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

930 CRIMINAL APPLICATION NO. 645 OF 2024

SHUBHAM NARESH GOSATKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Palnitkar Sanket Shantaram

APP for Respondent No. 1 : Mr. N.S. Tekale

Advocate for Respondent No. 2 : Mr. A. M. Lavrale

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 15 FEBRUARY 2024

PER COURT :

Heard both the sides that is the learned Advocate for the applicant, learned AGP and also the learned Advocate for respondent no.2 – informant / prosecutrix.

2. The applicant is seeking quashment of Crime No. 723 of 2023 registered with CIDCO Police Station, District Aurangabad, for the offences punishable under Sections 376 (2) (N), 506 of the Indian Penal Code.

3. Respondent no. 2 has filed affidavit duly sworn before the Section Officer of this Court expressly mentioning therein that subsequent to registration of the crime at her instance, she has

solemnized marriage with the applicant and they are leading happy married life. She is expressly giving consent for quashment of the crime and the criminal case.

4. Learned APP submits that in the light of the observations of Supreme Court in the matter of *Gian Singh Versus State of Punjab and another*, **(2012) 10 SCC 303**, the crime may not be quashed on the basis of such compromise. However, he adverts our attention to the supplementary statement of respondent no. 2 recorded on 12 December 2023, by the Investigating Officer which is a part of the charge-sheet, wherein, she had taken the same stand about having solemnized marriage and about having lodged the FIR due to apprehension and due to some misunderstanding.

5. True it is that in *Gian Singh* (supra), the circumstances have been laid down guiding the Courts as to in which matters the crimes can be quashed on the basis of settlement and in which it should not be.

6. Everything boils down to the facts and circumstances of each case. Going by the allegations in the FIR, the couple was in relationship for more than two years and thereafter, the FIR was lodged. Besides this, as has been observed herein above, in the supplementary statement, respondent no. 2 expressly stated the circumstances under

which she had lodged the FIR and as to how she having performed marriage with the applicant, the couple has been living a happy married life. Even in the affidavit-in-reply, she has come out with the same stand.

7. There is a certificate issued by Arya Samaj, Chhtrapati Sambhajnagar, it is the part of the charge-sheet, whereby, the marriage between the couple has been registered and certified.

8. Considering the above facts and circumstances of this case, in our considered view, when the couple was already in relationship for more than two years and has subsequently solemnized marriage and are living happy married life, it would be appropriate to quash the criminal case.

9. The application is allowed. Crime No. 723 of 2023 registered with CIDCO Police Station, District Aurangabad, for the offences punishable under Sections 376 (2) (N), 506 of the Indian Penal Code is quashed and set aside.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]