

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1556 OF 2020

Rameshwar Arjun Shinde ... Petitioner

Versus

1. The State of Maharashtra

2. Gorakh Vittal Palve

3. Sunita Rameshwar Shinde ... Respondents

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Mr. Bhushan Deshmukh for the Petitioner.

Mr. Anand Shalgaonkar, APP for the State.

Mr. Vedant Bende for Respondent No. 3.

.....

**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 20.02.2024

P.C. :-

The petitioner is charge-sheeted for offences under Sections 363, 366-A r/w 34 of the Indian Penal Code.

2. The FIR was lodged by respondent No. 2 (father of the Victim) vide Crime No. 56 of 2019 registered with Lasalgaon Police Station. It is alleged that the victim was kidnapped by the accused.

3. Learned Advocate for the petitioner and respondent No. 2 and respondent No. 3 submitted that the victim had eloped with the petitioner. They performed marriage and presently

residing together as husband and wife.

4. Respondent Nos. 2 and 3 has no objection for quashing the proceedings initiated against the petitioner. Respondent No. 3 has filed affidavit giving her consent for quashing the impugned proceedings.

5. Vide order dated 15.07.2022, it was recorded that affidavit is filed by respondent No. 3 stated to be major stating that she is now married to the petitioner. Considering the peculiar facts and circumstances of the case, since respondent No. 3, who is now major has given her consent. The respondents were directed not to file charge-sheet. Notice was issued to respondent No. 2.

6. Subsequently, vide order dated 17.01.2024, the Investigating Officer was directed to verify the authenticity of the marriage certificate and to record the statement of respondent No. 2 in order to verify whether the matter has been amicably settled.

7. Thereafter, vide order dated 05.02.2024, the submissions of learned APP was recorded that the statement of respondent No. 2 has been recorded. The statement indicate that the respondent No. 2 does not wish to proceed with the matter.

The Court, however, noted that the authenticity of marriage certificate and whether victim has married to the petitioner was not verified.

8. Learned APP, on instructions, submitted that the Investigating Officer has verified the authenticity of the marriage certificate and it is ascertained that the petitioner and respondent No. 3 had performed marriage.

9. The petitioner has performed marriage with victim. Section 366A cannot be applied to the present case.

10. Considering aforesaid circumstances, the impugned proceedings can be quashed.

ORDER

(i) Writ Petition No. 1556 of 2020 is allowed.

(ii) The First Information Report dated 04.03.2019 registered with Lasalgaon Police Station vide Crime No. 56 of 2019 for offences under Sections 363, 366-A r/w 34 of the Indian Penal Code is quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)

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