

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1284 OF 2015

Naresh Satyanarayan Saboo

..Petitioner

v/s.

The State of Maharashtra

..Respondent

Mrs. Smita R. Kadv i/b. R.G.Kadu for the Petitioner.

Mrs.PH.Kantharia, APP for the Respondent/State.

Ms. Naina Ashok Singh, Complainant present in person.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : APRIL 30, 2015.**

P.C.

1. At the outset learned Counsel for the petitioner seeks leave to amend the cause title of the petition so as to implead the original complainant as respondent no.2. Leave granted. Necessary amendment to be carried out forthwith.
2. Heard the learned Counsel for the petitioner and the respondent no.2 in person.
3. This petition is filed invoking the jurisdiction of this court

under Article 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.P.C. for quashing the FIR bearing No.184 of 2014 registered with Tardeo Police Station. Said FIR is registered at the instance of respondent no.2 for an offence punishable under Section 376 IPC.

4. Pending investigation petitioner and respondent no.2 settled their dispute amicably and approached this court for quashing of the subject FIR by consent. The respondent no.2 has filed affidavit dated 29.4.2015. In para 3 and 4 she has stated that she does not want to proceed with the subject FIR against the petitioner and has no objection to quash the same.

5. The Respondent No. 2 is personally present before the Court. On specific query made by us, she submitted that she has made the said statement in the affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the said FIR.

6. We have perused the FIR. The FIR shows that on the date of the FIR she was major. The petitioner and the respondent were having live in relationship and during this period had entered into

physical relationship. The complaint was lodged only after the petitioner attempted to sell the flat in which they were residing. In these circumstances, we are of the opinion that the FIR does not disclose ingredients of offence under Section 375 IPC.

7. Accordingly, petition is allowed in terms of prayer clause (b) thereby quashing FIR No.184 of 2014 registered with Tardeo Police Station, subject to the petitioner depositing an amount of Rs.1,00,000/- (Rupees One Lakh Only) in this court within a period of two weeks from today. Payment of cost would be condition precedent for this order to take effect. If the amount is not deposited petition shall stand dismissed without further reference to the court.

8. On the amount being deposited by the petitioner, the Registry shall invest the same within four weeks from the date of deposit in any nationalized bank in the name of the respondent no.2 for a period of six years, and hand over the Fixed Deposit Receipt to the respondent no.2, on her making an appropriate application.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)