

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 34 OF 2020

Mr. Divyajyoti Ratneshwar Bharali ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Santosh Budhwani i/by Mr. A.M. Waghmare for the petitioner.

Adv Shahbaz Khan Pathan for respondent no. 2.

Mr. K.V. Saste, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
NITIN R. BORKAR, J.
DATE : FEBRUARY 25, 2020

P.C.:

Petitioner is present with his advocate. Respondent no.2 is present with her advocate. Learned APP appears for the State. Petitioner and respondent no.2 are jointly requesting for quashing and setting aside of FIR under sections 376, 376(2)(N) and 420 of IPC as also Criminal Case No. 206/PW/2017.

2. Separate affidavit filed by respondent no.2 shows that she is getting married with some other person and therefore, does not wish to keep this matter pending. Statement dated 25/7/2016 in support of FIR reveals consensual relationship. The

complaint is it was under the promise of marriage and that promise has been breached latter on.

3. We have perused the papers and we find that nothing fruitful will come out of this prosecution.

4. Learned APP has however submitted that the offence is of grave and serious nature.

5. Considering the desire expressed by respondent no. 2 and the facts and the circumstances of the matter, we are inclined to intervene in extra ordinary jurisdiction.

6. Accordingly subject to parties paying together an amount of Rs.10,000/- as cost to Police Welfare Fund of State of Maharashtra within two weeks from today, we make the rule absolute in terms of prayer clause (A).

(NITIN R. BORKAR, J.)

(ACTING CHIEF JUSTICE)