

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5523 OF 2019

Atish Arvind Todkar ... Petitioner

Versus

The State of Maharashtra and anr. ... Respondents

Mr. Rounak Naik for the petitioner.

Mr. Akshay Tilve for respondent no. 2.

Smt. S.D. Shinde, APP for the respondent State.

API S.H. Hattekar, Vartak Nagar Police Station, Thane present.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : JANUARY 16, 2020

P.C.:

Respondent no. 2 has lodged report on 10/4/2019 when she was 19 years old pointing out her exploitation since 2017 by the petitioner. Offence under section 376, 323, 504, 506 and 507 IPC and section 4 and 6 of POCSO and Section 3 and other sections of Prevention of Atrocities Act are registered against the petitioner. Petitioner has filed this petition for quashing of that FIR and respondent no.2 complainant has given consent to it. The consent affidavit has been tendered on record as part of the petition. The consent terms arrived at between the parties on

7/10/2019 are also produced. Respondent no.2 is present in the court with her advocate and she has given no objection again. Her parents are not present. However, her brother is present with her.

2. We have considered the position. Learned APP has opposed any intervention by this court. Learned APP points out that the complainant was then minor while the petitioner happened to be an adult person.

3. Petitioner is now in the employment and parents of respondent no. 2 are searching suitable match for her.

4. Petitioner has submitted that he would compensate the State Government by paying reasonable amount as cost.

5. After hearing, we are satisfied that nothing fruitful will come out of the prosecution. However, as public time and money has been spent, we direct the petitioner to pay to the Police Welfare Fund of respondent no. 1 an amount of Rs. 1 lac within four weeks from today. Subject to payment of the said amount, we make the rule absolute in terms of prayer clause (b).

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)