

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3515 OF 2021

Abhishek Kishanlal Suthar

.... Petitioner

Versus

The State of Maharashtra and another

.... Respondents

....

Ms. Premlata Jain, Advocate for the Petitioner.

Mr. K.V. Saste, APP for Respondent No.1-State.

Ms. Akshata Jadhav, Advocate i/b. Ravi Jadhav, for Respondent No.2.

....

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 07 DECEMBER 2021

P.C.

Heard the learned counsel for the parties. Taken up for disposal

2. The Petition is filed for quashing of the F.I.R. No.22/2020 dated 11/01/202 registered by the Respondent No.1, under Sections 376 and 506 of the Indian Penal Code 1860 r/w Section 66(E) of the Information Technology Act, 2000 and case bearing No.SS/0200461/2020 pending before the Ld. Addl. Sessions Court, Dindoshi, Mumbai against the Petitioner.

3. The reason given for quashing of the FIR is that the Respondent No.2 has given consent for quashing and they have settled their disputes. The scanned copy of the notarized affidavit is

annexed to the petition wherein the Respondent No.2 has stated that she is aware that the allegations against the Petitioner are serious, however, they have resolved their dispute and she has no objection to quash the FIR.

4. The learned counsel for the Petitioner submitted that the Petitioner and the Respondent No.2 wanted to settle in life and that the physical relations were with consent because there was promise to marry by the Petitioner, as alleged in the FIR.

5. The FIR, however, does not only state about the physical relations on promise to marry, but of forceful sexual intercourse and that the Petitioner threatened the Respondent No.2 of consequences if she had raised any alarm. Therefore this is not a case where there was physical relations with consent of the Respondent No.2 on the promise of marriage alone, but, act of violent sexual intercourse is also alleged. Such an acts are not only against the prosecutrix but against the society at large. Therefore, quashing of this FIR by consent of the parties cannot be granted. The petition is filed to quash the FIR only on the basis of consent of the Respondent No.2 and not on merits. The writ petition is accordingly disposed of.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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PRADIPKUMAR
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Date: 2021.12.09
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(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)