

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

CRIMINAL APPLICATION NO.211 OF 2022

Dilip Indermal Kothari	...	Applicant
Versus		
The State of Maharashtra		
And Another	...	Respondents

Mr. Gaurav Parkar for the Applicant.
Mr. S.D. Shinde, APP for Respondent No.1.
Mr. Satish Prabhu for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 10 MARCH 2022

P. C. :

. Heard Mr. Gaurav Parkar for the Applicant, Mr. S.D. Shinde, APP for Respondent No.1-State and Mr. Satish Prabhu for Respondent No.2.

2 The first informant Bindu Raysoni/Respondent No.2 was ravished by the Applicant, by taking her to hotel at Ghondbunder Road, National Highway No.8, Thane. The first informant was given cold drink and she felt uneasiness. After some time she realized that she was having different clothes on her body. She realized that she was raped. The Applicant had prepared videos. She also realized that the ornaments given back to her by the Applicant were not the original ornaments. On the representation of the Applicant, the first informant has also parted away various amounts.

3 Both were knowing each other, because previously they were neighbors. The present Application is filed for quashing. During pendency of this Application, both have settled the dispute and the first informant has also filed the Affidavit. The Applicant has paid the amount of Rs.27,00,000/- to Respondent No.2 and she acknowledged it. The Consent Terms are also executed on 17 February 2021. Respondent No.2 realized that the lodging of complaint was an act of anger and frustration and now she is willing to co-operate for quashing of the prosecution. Yet the charge-sheet is not filed.

4 It is true that offence under Section 376 is serious. However, considering the age of the prosecutrix and considering the financial dealing in between them, this Court feels that the case needs to be quashed. It will take a long time for final disposal of the case. The Applicant is required to attend the Court. Respondent No.2 will be required to attend the Court when case will come up for recording of her evidence. Already both parties have suffered lot of pain. So it will be in the interest of both the parties to quash the proceedings, so that both parties will be relieved from further mental stress. Hence, Order.

: O r d e r :

- (a) The Application is allowed.
- (b) C.R. No.1219 of 2021 registered for offences punishable under Sections 376, 420, 328, 504 and 506 of the Indian Penal Code with Waliv Police Station is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)