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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
WRIT PETITION NO.2858 OF 2021

Mr.Arjunkumar Devendra Mutneja ..... Petitioner

Vs.

The State of Maharashtra & Anr. .... Respondents

Mr.Niranjan Mundargi a/w Mr.Sushail Shariff for the  
Petitioner

Mr.J.P.Yagnik, A.P.P. for the State

Mr.Nagesh Mishra for the respondent no.2

**CORAM : PRASANNA B. VARALE &  
SURENDRA P. TAVADE, JJ.**

**DATED : FEBRUARY 15, 2022**

**P.C.**

1. Heard.

2. The Petitioner has approached this Court for quashing and setting aside F.I.R. No.433 dated 06.09.2020 vide C.R.No.433 of 2020 registered with Oshiwara Police Station, Mumbai for the offence punishable under section 376(2)(n) of the Indian Penal Code, 1860 and Sessions case No.14 of 2021 pending before learned Sessions Court at Dindoshi, Mumbai in pursuance of the above F.I.R.

3. The facts giving rise to the present petition can be summarized as under:

4. Petitioner and Respondent no.2 are actors by profession. They knew each other prior to the incident. On 20.05.2020, Respondent no.2 met Petitioner at Andheri (West) during shooting of serial. Thereafter, they became friendly and friendship converted into love affair. Both of them used to meet each other at various places. It is alleged that Petitioner disclosed Respondent no.2 that he was unmarried and assured Respondent no.2 that he would marry her. Thereafter, they used to have physical relationship. It is alleged that the friend of the Respondent no.2 namely Deepak disclosed her that Petitioner is a married person and Respondent no.2 was cheated. Thereafter, she contacted Petitioner. Petitioner accepted that he is a married person and refused to marry. Therefore, Respondent no.2 filed F.I.R.

5. During the pendency of the investigation as well as pendency of this petition, Petitioner and Respondent no.2 decided to settle their dispute accordingly. Respondent no.2 filed affidavit at Exhibit 'D' wherein she has affirmed that during the hearing of bail application of Petitioner in Sessions Court, she gave consent for bail. Accordingly, they decided to settle the dispute. It is also averred that Respondent no.2 is giving consent and no objection in favour of petitioner with her free will and wish without any undue influence, pressure, coercion or compulsion imposed upon her by petitioner. She has also averred that she has no objection for quashing and setting aside the F.I.R. as well as criminal case filed against the Petitioner.

6. Petitioner and Respondent no.2 are present before the court. On enquiry, Respondent no.2 admitted the contents of the affidavit filed by her. She has categorically stated that she has settled her dispute with the Petitioner and she has given no objection for quashing the F.I.R. and the charge sheet filed against the Petitioner.

7. Considering the above facts, we are of the opinion that continuation of proceeding arising out of Crime No.433 of 2020 would be nothing but an act of futility. We are of the opinion that the Petitioner has made out a case for allowing the petition.

8. In these circumstances and especially in view of the law laid down by the Apex Court in the case of ***B.S.Joshi Versus State of Haryana AIR 2003 SC 1386*** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the matter and in the interests of Justice, the subject FIR is required to be quashed.

9. In view of the above facts, petition is allowed in terms of prayer clause (a). Prayer clause (a) reads thus:-

*“(a) That this Hon’ble Court may be pleased to issue appropriate writ / order / direction to quash / set aside the F.I.R. vide C.R.No.433 of 2020 registered with Oshiwara Police Station,*

*Mumbai, under Section 376(2)(n) of the Indian Penal Code, 1860, against the Petitioner / Mr.Arjunkumar Devendra Mutneja.”*

( SURENDRA P. TAVADE, J.)      (PRASANNA B. VARALE, J.)