

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

WRIT PETITION NO.3171 OF 2021

Mr. Gangadeep Jasbir Sachdev	...	Petitioner
Versus		
The State of Maharashtra		
And Another	...	Respondents

Ms. Sonal i/b Bhairavi Wadavdekar for the Petitioner.
Mr. K.S. Saste, APP for the Respondent-State.
Ms. Kainaz Irani i/b Nitin Patil for Respondent No.2.

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

DATE : 6 MAY 2022

P. C. : (Per Prasanna B. Varale, J.)

. By way of the present Petition, the parties, particularly, the Petitioner and Respondent No.2 approached this Court for quashment of FIR No.71 of 2021 registered at MIDC Police Station, Mumbai on 11 February 2021 for commission of offences punishable under Sections 376, 417, 504, 506 of Indian Penal Code. It can safely said that in this is a Petition for quashment by consent of the parties. A copy of the FIR is placed on record at Exhibit 'A' to the Petition. Then there is an affidavit filed by Respondent No.2-first informant/complainant. In paragraph-2 of the affidavit, Respondent No.2 submits tat there was consensual physical relationship and though a promise of marriage was exchanged between the Petitioner and Respondent No.2, but relationship between the Petitioner and Respondent No.2 could not work well, they decided to part way. It is also stated in paragraph-2, the Petitioner and Respondent No.2

are not willing to marry each other and desirous to live their own free and independent life. It is also stated in paragraph-2 that an amicable settlement arrived at between the Petitioner and Respondent No.2, because of intervention of the family members, friends, police and well wishers. Then there was reference of custody of pet dog Prince and in paragraph-4 of the affidavit, it is stated that dog Prince shall continue to remain with the Petitioner and Respondent No.2 shall not claim dog any time in future.

2 On query put to learned APP for the Respondent-State, as to what are his instructions, learned APP on instructions from Shri Suresh Palyekar, MIDC Police Station, PSI, who is present in Court, submits that in the investigation carried out by the Investigation Agency, the Investigating Agency was unable to find any supporting material, so as to proceed against the accused. The first informant/complainant in her own statement, submitted that relationship between the first informant/complainant and the accused was a consensual relationship. Considering this fact, the Investigating Agency submitted 'C' Summary Report before the learned 22nd Court, Andheri, Mumbai and said 'C' Summary Report is pending decision by the learned Competent Court.

3 Considering all these facts, we are of the opinion that the learned Counsel appearing for the parties made out case for exercising power of this Court under Section 482 of the Code of Criminal Procedure and accordingly, the Petition is allowed, in terms of prayer clause – (a) and is disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)