

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

WRIT PETITION NO.3895 OF 2021

Imran Iqbal Ansari		
And Another	...	Petitioners
Versus		
The State of Maharashtra		
And Another	...	Respondents

Mr. Meghna Gowalani for the Petitioners.
Mr. K.V. Saste, APP for Respondent No.1.
Mr. A. Karim Pathan for Respondent No.2.

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

DATE : 8 MARCH, 2022

P. C. :

. This Petition is filed for quashing the FIR by the accused facing trial for the offences under Sections 376, 328, 506 read with 34 of the Indian Penal Code and Section 66E of Information Technology Act. The FIR is lodged by Respondent No.2. Petitioner No.1 had sexual intercourse with Respondent No.1 against her will by giving her intoxicating drink. There was a threat to show the photographs to her family members. Petitioner No.2 assisted Petitioner No.1. The charge-sheet is filed before the Court of Judicial Magistrate First Class, Bhiwandi.

2 During the pendency of the session case, the Petitioner and Respondent No.2 has resolved their dispute and the FIR is out come of some misunderstanding. Respondent No.2 has also filed an affidavit. She has admitted about settlement. She has given explanation in para-3 of the

affidavit that the complaint was lodged due to pressure exerted on her by husband and now she had divorced him. On this background, she do not want that the prosecution should be continued.

3 There is reliance on the judgments in the cases of **Narinder Singh Versus State of Punjab**¹ and **Madan Mohan Abott Vs. State of Punjab**².

4 It is true that incident relates to the individuals and as such, by quashing the prosecution, the society is not going to be affected. Respondent No.2 has started a new life and she do not want the old memories to remain. Hence, the case for quashing the prosecution is made out. Hence, the Order.

: O R D E R :

- (1) RCC No.927 of 2015 and Sessions Case No.381 of 2015 for the offences under Sections 376, 328, 506 read with 34 of the Indian Penal Code and Section 66E of Information Technology Act is quashed and set aside.
- (2) Both the Petitioners are set at liberty.
- (3) Their Bail Bond stand cancelled.

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
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(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)

1 2014 AIR SCW 2065

2 Appeal (Civil) 555 of 2008