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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4826 OF 2021

Mr. Rajesh S/o. Vimalchand Gothi @ BantiPetitioner

Versus

The State of Maharashtra & Anr.Respondents

Mr. Akash Singh i/b. A.M. Sarogi for the Petitioner.

Ms. S.D. Shinde, APP for Respondent State.

Mr. Saeed Moghul i/b. Deepa Premchandran for Respondent No.2.

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

DATE : 14th FEBRUARY, 2022.

P.C. :

1. Heard Mr. Singh, learned counsel for the petitioner, Mr.Moghul, learned counsel for respondent No.2 and Ms.Shinde, learned APP for the State.

2. The petitioner has approached this Court for seeking quashment of FIR in CR.No.306/2014 registered on 6.7.2014 at Malvani Police Station, Mumbai for the offence under Section 376 of the Indian Penal Code, 1860 as against the petitioner. It seems that subsequently the provisions of Information Technology Act, 2000 are also added against the petitioner.

3. The perusal of material placed on record show that Respondent

No.2 is a resident of Malvani area and was earning her livelihood by running a beauty parlour. In the year 2005 due to matrimonial differences and discord, Respondent No.2 left the company of her husband. It is submitted in the report/complaint dated 6.7.2014 that cousin of Respondent No.2 introduced her to the petitioner. The petitioner after a close association with Respondent No.2 expressed his desirous for marry with Respondent No.2 and on assurances the petitioner developed physical relations with Respondent No.2. Then Respondent No.2 was started insisting for marriage, but the petitioner by extending threats of disclosure of the intimacy denied to marry to Respondent No.2. Respondent No.2 thus approached the police station by lodging report against the petitioner.

4. It is submitted before this Court that in recent past Respondent No.2 shifted to another country and now she is a married person. It is submitted in the affidavit filed on behalf of Respondent No.2 that Respondent No.2 is now happily married and is not desirous of having any disturbance of her marital life, as such she is recording her no objection for quashment of the report and FIR lodged against the petitioner. It is also stated in the affidavit that the petitioner-accused is known to Respondent No.2 and now things have settled between the parties and Respondent No.2 wish to have cordial relations between both of them. That it is reiterates in Para 8 of the affidavit that *“I say that I have no objection of whatsoever nature if the present charge-sheet is quashed against petitioner/accused”*.

5. In view of the above referred facts, we are of the opinion that no fruitful purpose would be served by continuing the proceeding arising out

of the FIR in Crime No.306/2014 registered at Malvani Police Station, Mumbai.

6. Considering the above facts, we are of the opinion that the learned counsel for the petitioner made out a case for allowing the petition. Accordingly, the petition is allowed in terms of prayer clause (a) and disposed of accordingly.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)