

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4249 OF 2018

PRASAD DILIP PATHADE

)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA AND ANR.)...RESPONDENTS

Mr.Piyush Toshnival a/w. Mr.Aniket Nikam a/w. Mr.Vivek Arote
a/w. Mr.Amit Icham, Advocate for the Petitioner.

Mrs.S.D.Shinde, APP for the Respondent – State.

Mr.G.A.Kataria, Advocate for Respondent No.2.

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

DATE : 1st APRIL 2022

P.C. :

1 Heard the learned counsel for the petitioner as well as the learned APP for State-respondent no.1 and learned counsel appearing for respondent no.2. Respondent no.2 is also personally present in this Court. The petitioner prays for quashing of the First Information Report (FIR) lodged at the

instance of respondent no.2 at Manmad Police Station for commission of offences punishable under Section 376(2)(n) of the Indian Penal Code (IPC) and 3(2)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 2015 as well as the proceedings arising out of the registration of FIR dated 9th September 2018 in Crime No.I-163 of 2018 in Atrocity Special Case No.3 of 2019 pending before the learned Special Court, Malegaon.

2 Perusal of the copy of report placed on record shows that respondent no.2 was prosecuting her studies at Malegaon and the petitioner was also prosecuting his studies in the course of Pharmacy. Friendship between the petitioner and the respondent no.2 was taken as a love relationship by the petitioner and the petitioner wanted to accept the relationship on assurance of marriage. The allegation against the petitioner is that though the respondent no.2 had shown her resistance to assurance of marriage, the petitioner established physical relationship with the respondent no.2. Thus, on this complaint, report was lodged.

3 It seems that when the matter was listed before this Court on 17th February 2020, the petitioner showed his bonafides by submitting before this Court that he was ready to deposit an amount of Rs.3 Lacs in this Court. Accordingly, vide order dated 17th February 2020, the petitioner was directed to deposit an amount of Rs.3 Lacs in the bank account of respondent no.2. It is submitted before this Court that the respondent no.2 was not desirous of creating any hurdle in the future life of petitioner as he was prosecuting his studies and wanted to settle in life.

4 The Affidavit-in-Reply on behalf of respondent no.2 was filed in this Court sometime in the month of April 2019. In this Affidavit-in-Reply, the respondent no.2 admits that there was a love relationship between the petitioner and the respondent no.2 and she further states that now she wants to move ahead in her life and as the FIR was lodged due to misunderstanding, she does not want to prosecute the same against the petitioner. She further states in the Affidavit-in-Reply that she is withdrawing all the

allegations and charges made against the petitioner in Crime No.163 of 2018.

5 The learned counsel appearing for the respondent no.2 submits that the petitioner deposited an amount of Rs.3 Lacs in her bank account by way of Demand Draft No.005793 dated 16th December 2021 and she acknowledges the acceptance of the amount. The learned counsel submits that the respondent no.2 would file an additional Affidavit-in-Reply to that effect within two weeks from today.

6 The counsel for the petitioner, at this stage, submitted that even though the petitioner had deposited an amount of Rs.3 Lacs before this Court vide order dated 17th February 2020, the petitioner to show his bonafides, so as to a goodwill gesture, is ready to deposit an amount of Rs.1 Lac in the bank account of the respondent no.2 by way of Demand Draft within two weeks from today. The learned counsel for the petitioner submits that the Demand Draft would be handed over to the respondent no.2

within two weeks. The statement made before this Court is accepted as an undertaking to this Court.

7 The learned APP appearing for the State submits that the nature of offence is a serious one. True it is that the nature of the offence is a serious one, but considering the peculiar circumstances referred to above, namely, the desire of the respondent no.2 herself to move ahead in life and regarding no objection for quashing of the report and proceedings, we are of the opinion that a case is made out for exercising of powers under Section 482 of the Cr.P.C. so as to secure ends of justice. It may not be out of place to state that in view of the no objection by the respondent no.2, the continuity of the proceedings would be nothing but a futile exercise.

8 Considering all these aspects, the petition is allowed in terms of amended Prayer Clause (a) and disposed of accordingly.

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(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)

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