

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

WRIT PETITION NO. 5526 OF 2019

Vijaykumar Dayaram Manhas	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

Mr. Anurag Ghag - Advocate for the Petitioner
Mr. Mahesh Vaswani a/w Dharini Nagda, Priyanka Pal i/by Shreya Tiwari -
Advocate for the Respondent no. 2.
Mr. K. V. Saste – APP for the Respondent - State

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

DATE : 06th MAY, 2022

P. C. :-

. By way of present Petition, the Petitioner prays for quashing of F.I.R. bearing Crime No. 405 of 2019 registered at Vile Parle Police Station on 01/10/2019 for the commission of offence under Section 376 and 420 of the Indian Penal Code. It may not be necessary for us to refer to the details suffice that the Respondent No. 2 left her original place of residence of Uttar Pradesh and reached Mumbai in search of job and she found a job in a shop of the Petitioner. Then the Petitioner initially started a virtual conversation with Respondent No. 2 by a mobile phone then also on personal meeting the Petitioner was chatting with the Respondent No.

2. On an inquiry by Respondent No. 2, the Petitioner told his matrimonial status and further informed that he is in the process of seeking divorce from his wife. Then it is stated in the report that by giving assurance of marriage, the Petitioner physically exploited the Respondent no. 2.

2. It seems that a private notice of filing Petition was served on Respondent No. 2 in response to the notice, the affidavit-in-reply is filed at the instance of Respondent No. 2 in this Court on 24/10/2019. Initially in that reply itself it is stated in the para no. 7 that the Petitioner had filed Anticipatory bail application before the Sessions Judge and Respondent No. 2 filed her No Objection by way of affidavit dated 22/10/2019. It is further stated in the affidavit that the Respondent No. 2 remained present before the learned Court and requested to allow Anticipatory bail application. As the learned Judge could not find favour in the application, the application for anticipatory bail was rejected.

3. Be that as it may the Respondent No. 2 has filed a fresh affidavit in this Court today and she is personally present in this Court. On a query put to the Respondent No. 2 so as to whether she is by will recording no objection for quashment and she replied in affirmative. It would be useful for our purpose to refer certain statement in the affidavit filed today. It is stated in para no. 1 of the affidavit-in-reply that “.....am filing this additional affidavit to place on record that post filing of the FIR, I have

got married to another person and am settled in Delhi”.

4. It is also stated in the affidavit-in-reply that Respondent No. 2 was carrying pregnancy. She further states in the affidavit-in-reply that she will not depose in the case or give any evidence against the accused Petitioners.

5. It seems that the Respondent No. 2 who is now settled in a matrimonial life is desirous to forget the past and she wants that the criminal proceedings may not be a hurdle in her personal married life. Considering the above referred facts and particularly the statement of Respondent No. 2 she is not willing either to depose or to give any evidence against the Petitioner the continuity of the F.I.R. or the proceedings would be nothing but a futile exercise. The Respondent No. 2 also candidly submitted before this Court that now she is settled in her married life.

6. In view of these facts, we are of the opinion that this case is made out to exercise power of this Court under Section 482 of the Criminal Procedure Code so as to meet ends of justice and accordingly Petition is allowed in terms of prayer clause 'A' and is disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)