

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1698 OF 2023

**SYED SHAFI SYED MIR HASHAM
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.Sk. Ashraf Patel, Advocate h/f. Mr.Faruk Vajir Shaikh, Advocate for applicant

Mr.R.B.Bagul, respondent no.1

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : JUNE 09, 2023**

ORDER :-

Heard.

2. Leave to amend.
3. This is an application moved for quashment of the proceedings in Sessions Case No.355 of 2023, pending before the Sessions Court, Aurangabad. The quashment is mainly sought on the ground of settlement between the informant and the applicant.
4. The informant is present before the Court. She has filed affidavit, expressing her consent to allow the present application. We

have also perused the FIR. It appears that there is a dispute over purchase of a row-house. Agreement for sale was executed between the applicant and the husband of informant. It has been alleged in the FIR that the applicant would visit the informant's house during absence of her husband and commit sexual intercourse without her consent and against her wish, many a time.

5. Without going into the veracity of the aforesaid allegations, in our view, since the informant herself has come around to give consent to allow the present application, allowing the prosecution to proceed with the Sessions Case, would be nothing but a futile exercise.

6. In view of the above, the application is allowed in terms of prayer clause (C), subject to costs of Rs.15,000/- (Rupees Fifteen Thousand), to be deposited by the applicant in the National Law University, Aurangabad, within a period of four days.

7. Receipt be placed on record on 16th of this month.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP