

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

CRIMINAL WRIT PETITION NO.1540 OF 2020

Deepak Ashok Popalghat	..Petitioner
Vs.	
The State of Maharashtra and anr.	..Respondents

Mr.S.R.Chaware-Patil, Advocate for petitioner
Mr.M.M.Nerlikar, APP for respondent no.1
Mr.P.F.Patni, Advocate for respondent no.2

**CORAM : SMT. ANUJA PRABHUDESSAI
AND R.M.JOSHI, JJ.
DATE : JANUARY 23, 2023**

ORDER :-

This is a Writ Petition under Article 226 of the Constitution of India for quashing the FIR No.0249 of 2020 registered with Mukundwadi Police Station, Aurangabad, for the offences punishable under Sections 354-A and 354 of Indian Penal Code as well as the criminal proceedings, i.e. R.C.C. No.11 of 2021 pending on the file of learned Judicial Magistrate, First Class, Court No.11, Aurangabad.

2. Heard learned counsel for the petitioner, learned APP for respondent no.1 and learned counsel for respondent no.2.

3. The aforesaid crime was registered pursuant to the FIR lodged by respondent no.2. She had alleged that the petitioner herein had proposed to marry her. She claims that the petitioner had made physical contacts and advances involving explicit sexual overtures. Subsequently, she and her parents learnt that the petitioner was already married and hence, respondent no.2 lodged the complaint accusing the petitioner of sexual harassment and outraging her modesty.

4. Learned counsel for the petitioner and learned counsel for respondent no.2 state that the parties have settled the dispute amicably. The respondent no.2 has filed an affidavit, wherein she stated that she wanted to marry the petitioner and as the petitioner had married another lady, she filed the complaint in a fit of anger. She stated that she has realised her mistake. She further states that she and the petitioner are otherwise related to each other. She stated that she does not wish to prosecute the matter and that she has no objection for quashing the FIR as well as the criminal proceedings.

5. The respondent no.2 is present before the Court. She confirms the contents of the affidavit, that she filed the complaint in a fit of anger and that she does not want to proceed with the matter.

6. We are satisfied that the statements made by the respondent no.2 are voluntary. Considering the nature of the accusations and the statements of the respondent no.2, we are of the view that this is a fit case to exercise the jurisdiction under Section 482 of the Code of Criminal Procedure.

7. In view of the above, the Writ Petition is allowed in terms of prayer clauses (B) and (C-1). FIR No.0249 of 2020 registered with Mukundwadi Police Station, Aurangabad, for the offences punishable under Sections 354-A and 354 of Indian Penal Code so also the criminal proceedings, i.e. R.C.C. No.11 of 2021, pending on the file of learned Judicial Magistrate, First Class, Court No.11, Aurangabad, are quashed, subject to costs of Rs.10,000/- (Rupees Ten Thousand) to be deposited by respondent no.2 in the High Court Bar Library, within two weeks.

[R.M. JOSHI, J.]
KBP

[SMT. ANUJA PRABHUDESSAI, J.]