

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 527 OF 2022**

Amol Ashok Korgaonkar

... Petitioner

**V/s.**

State Of Maharashtra And Ors.

... Respondents

Mr. Vikas K. Singh for Petitioner.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Maitreya Shukla for Respondent Nos.2 and 3.

**CORAM : A.S. GADKARI AND  
PRAKASH D. NAIK, JJ.****DATE : 2<sup>nd</sup> MAY, 2023.****PC. :**

1. Petitioner, original accused in Sessions Case No. 167 of 2021 pending on the file of learned Sessions Court (Court No.9), Dindoshi, Borivali Division, Mumbai arising out of C.R. No. 618 of 2019 registered with Goregaon Police Station, Mumbai, under Sections 376 and 506 of the Indian Penal Code, has filed present Petition under Article 226 of the Constitution of India for quashing of the said Sessions Case No.167 of 2021, by consent of Respondent Nos.2 and 3. Respondent No.2 is the first informant and mother of Respondent No.3, the victim.

2. Mr. Singh, learned Advocate appearing for Petitioner submitted that, Petitioner and Respondent No.3 were infact friends since beginning and their friendship was blossomed into a love affair. That, the Petitioner

and Respondent No.3 indulged into a physical relationship which was consensual in nature between two adult person. He submitted that, subsequently one Mr. Kalpesh Palasmkar came in the life of Respondent No.3 and they decided to marry. That, Petitioner and Respondent Nos.2 and 3 thereafter have amicable settlement and to quash the said Sessions Case by consent of Respondent No.2 i.e. the first informant and Respondent No.3, the victim. He submitted that, admittedly even as per the FIR, on the date of alleged first incident the Respondent No.3 was major. He therefore prayed that present Petition may be allowed.

3. Mr. Shukla, learned Advocate appearing for Respondent Nos.2 and 3 submitted that, perusal of FIR indicates that, relationship between Petitioner and Respondent No.3 was consensual in nature. He tendered across the bar Affidavits of Respondent Nos.2 and 3 dated 14<sup>th</sup> February, 2023, duly affirmed before a Notary Public. In her Affidavit Respondent No.3 has stated that, she is getting married to Mr. Kalpesh Palasmkar. That, she so also the Petitioner herein and her would be husband Mr. Kalpesh Palasmkar are friends and known to each other for last past many years. That, taking into consideration their relationship she does not wish to proceed in the matter. She has further stated that, she has amicably settled the matter and has no objection to get Sessions Case No.167 of 2021 arising out of C.R. No. 618 of 2019 quashed.

Respondent No.2 has also affirmed her Affidavit in the same terms and has reiterated the facts narrated by Respondent No.3 in her

Affidavit. She has also given her no objection for quashing of Sessions Case No.167 of 2021 arising out of C.R. No. 618 of 2019.

4. Respondent Nos.2 and 3 are personally present in the Court and through their Advocate reiterated the contents of their respective Affidavits and their “no objection” in quashing of the present crime.

5. In view of the above, we are inclined to quash Sessions Case No. 167 of 2021 pending on the file of learned Sessions Court (Court No.9), Dindoshi, Borivali Division, Mumbai arising out of C.R. No. 618 of 2019 registered with Goregaon Police Station, Mumbai.

As we expressed our opinion for quashing of said Sessions Case No. 167 of 2021 arising out of C.R. No. 618 of 2019, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

6. We direct the Petitioner to pay a cost of Rs.25,000/- to Central Police Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

The details of the bank Account for payment of cost are as under:-

Bank Name :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

Petitioner to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

7. In view of above, subject to payment of cost, Petition is allowed in terms of prayer clause (c).

8. It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said Sessions Case No. 167 of 2021 arising out of C.R. No. 618 of 2019 expeditiously.

9. List the Petition on 14<sup>th</sup> June, 2023 under caption 'for reporting compliance' of present Order.

10. All the concerned to act on the basis of an authenticated copy of this Order.

**(PRAKASH D. NAIK, J.)**

**(A.S. GADKARI, J.)**