

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 281 OF 2023**

Sandeep Kashinath Bhalerao

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Ashutosh K. Gaikwad Advocate for Applicant.

Ms. Namrata A. Darvesh for Respondent No.2.

Mr. Ajay Patil, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 23rd MARCH 2023****P.C.:-**

1. This is an application under Section 482 of Code of Criminal Procedure for quashing the proceedings in C.C. No.479 of 2022 pending before the Court of Sessions at Nashik for offences punishable under Sections 376(2(n), 323, 506 of the Indian Penal Code. The criminal proceedings originating from C.R. No.I-452 of 2022 registered with Sinnar Police Station, District Nashik on 19th October 2022.

2. The complainant/Respondent No.2 has alleged that in November 2021 she got acquainted with Accused/Applicant. Thereafter, they used to have conversation on cellphone. She accompanied the accused to lodge where he promised that he would marry her and established physical

relationship with her. She also parted money to the accused. There were instances of physical relationship between them. The accused did not fulfill the promise of marriage. Hence, FIR was lodged. On completing investigation, charge-sheet was filed.

3. Learned Advocates for Applicant and Respondent No.2 submitted that, the parties have arrived at amicable settlement and complainant has 'No Objection' for quashing the impugned proceedings. The Respondent No.2/complainant has filed an Affidavit and consented for quashing the said proceedings.

4. We have perused the FIR. From the tenor of the FIR it is apparent that, relationship between accused and the complainant was of consensual nature. The complainant is personally present in the Court. She has confirmed the contents of the Affidavit giving consent for quashing the proceedings through her Advocate and also stated that, she has no objection for quashing the impugned proceedings. In the Affidavit dated 20th January 2023, the Respondent No.2 has stated that the proceedings in C.C. No.479 of 2022 pending before the file of Sessions Court at Nashik may be quashed and set aside. The Affidavit is taken on record. Learned Advocate for Applicant submitted that, in view of quashing the proceedings by consent of Respondent No.2, the Applicant is willing to pay amount of Rs. 50,000/- towards cost, within a period of two weeks from today. The said statement

is accepted as an undertaking given to this Court.

5. We direct the Applicant to pay cost of Rs. 50,000/- to the Central Police Welfare Fund within a period of two weeks from the date of uploading of the present Order on the High Court Website. The details of the bank account for payment of cost are as under:-

Bank Name	:	Axis Bank Ltd.
Branch Name	:	Worli, Mumbai (M.H.), Mumbai- 400 025
Account name	:	Central Police Welfare Fund
Account No.	:	914010029005759
IFSC Code	:	UTIB0000060

6. Applicant to deposit the said said cost of Rs.50,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

7. Considering the aforesaid circumstances, the impugned proceedings can be quashed and set aside.

ORDER

- (i) Criminal Application No. 281 of 2023 is allowed;
- (ii) The proceedings in C.C. No.479 of 2022 pending before the Court of Sessions at Nashik arising out of C.R. No.I-452 of 2022 registered with Sinnar Police Station, District Nashik are quashed and set aside.
- (iii) Petitioner shall deposit the amount of Rs.50,000/-

towards cost within a period of two weeks from the date of uploading of the present Order.

- (iv) In the event cost is not deposited within stipulated time, the proceedings would be revived against the Applicant.
- (v) Application stands disposed off.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)