

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 321 OF 2023**

Tushar Khelurkar

.. Applicant

V/s.

State of Maharashtra and Anr.

.. Respondents

Mr. Bharat K. Manghani a/w. Mr. Kanishk Waghware for Applicant.

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

Mr. Shubham Babar i/by Mr. Sushant Prabhune for Respondent No.2.

PI- Ms. Vaishali Raskar, Wagale Estate Police Station, Thane present.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 05 JULY 2023****P C. :**

1. Applicant, accused in Sessions Case No. 205 of 2023 pending on the file of learned Sessions Judge, Thane arising out of C.R.No. 278 of 2022 registered with Wagale Estate Police Station, Thane, under Sections 376(2)(n), 506 of I.P.C., has filed present application under Section 482 of Criminal Procedure Code for quashing of the said case with consent of Respondent No.2, the informant.

2. Learned Advocate for Applicant submitted that, Applicant and Respondent No.2 have resolved their disputes and differences and Respondent No.2 has agreed to quash the crime in question with her consent.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 22.06.2023 duly affirmed before a Notary Public. In paragraph No. 4 thereof, Respondent No.2 has given her no objection for quashing the said crime and subsequent charge-sheet.

Respondent No.2 is personally present in Court and through her Advocate reiterates the contents of her Affidavit dated 22.06.2023 and her 'no objection' for quashing of the crime in question.

4. Perusal of F.I.R. indicates that, the Applicant and Respondent No.2 were working in the same establishment. Their acquaintance subsequently blossomed into an affair and by extending promise to marry with Respondent No.2, the Applicant established physical relations with her. Respondent No.2 subsequently got knowledge that, the Applicant was married twice earlier and therefore dispute took place in the month of October 2022. When the talks of marriage of Respondent No.2 were being discussed by her parents, she informed her relations with the Applicant to them and thereafter present crime is registered. It appears that, relations between the Applicant and Respondent No.2 were consensual in nature. However, after the Respondent No.2 realised that, the Applicant is already married twice, their relations got strained. That, the Respondent No.2 subsequently confided the

said fact with her parents and after her parents gave her moral support, she has lodged present crime.

5. In view of the above, we are inclined to quash Sessions Case No. 205 of 2023 pending on the file of learned Sessions Judge, Thane, arising out of C.R.No. 278 of 2023 registered with Wagale Estate Police Station, Thane.

6. As we expressed our opinion for quashing of said C.R.No. 278 of 2022 registered with Wagale Estate Police Station, Thane, learned Advocate for Applicant on instructions submitted that, Applicant will pay a cost of Rs.1,00,000/- to Central Police Welfare Fund within a period of two weeks from the date of uploading of this order. The said statement is accepted as an undertaking given to this Court.

7. We direct Applicant to pay a cost of Rs.1,00,000/- 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

Applicant to deposit the said cost of Rs.1,00,000/- within the stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

8. In view of the above, subject to payment of cost, Application is allowed in terms of prayer clause (a).

9. It is made clear that, if the Applicant fails to deposit the said cost within stipulated period as mentioned above, this Application shall automatically revived and in that event, the investigating agency will complete the investigation of the crime in question expeditiously.

10. List the Application on 10th August 2023 under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.07.18
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