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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION No.1588 OF 2022**

Tushar Vasant Ahire

...Petitioner

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Kishor Patil i/b. Saili Dhuru for Petitioner

Ms. M.M. Deshmukh, APP for the State

Ms. Seema Singh, for Respondent No.2

API Gokul Bhoi, Khar Police Station, Mumbai

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ**

DATED : 23rd AUGUST, 2023

P.C.:

1. The prayer is for quashing of the offence in Crime No. 558 of 2020.
2. The genesis of the offence is the Respondent No.2 Complainant alleges sexual exploitation by the Petitioner, who is posted at Dubai.
3. The Petitioner and respondent both are placed on record their respective affidavits. Both the parties have agreed that they shall not interfere with the personal and private life of each other. The affidavits tendered by the respective parties through their counsel are taken on record.
4. The Petitioner in his affidavit, which was duly sworn before the Vice Consulate General of India in Dubai, has in categorical terms stated out that

he will not interfere in the private and personal life of Respondent No.2 – Complainant. The said affidavit is taken on record and marked ‘X’ for identification. The contents in the said affidavit are since accepted, they are marked as an undertaking to this Court.

5. In the aforesaid background, Respondent No.2, who is represented through her counsel, has also tendered an affidavit stating that the allegations in the complaint lodged against the Petitioner are withdrawn as Respondent No.2 and her family members are suffering and she wanted to have a peaceful life ahead. The affidavit tendered by Respondent No.2-Complainant is taken on record and marked ‘Y’ for the purpose of identification. Respondent No.2, who is present in the Court, is identified by Ms. Seema Singh, learned counsel, who represented and addressed her. When confronted, the Respondent No.2 has admitted the contents of the affidavit are true. As we have requested the learned APP to verify the same with the Respondent No.2, the learned APP has verified the same.

6. As the Respondent No.2 has voluntarily and willingly consented for quashing of the offence against the Petitioner, no purpose will be served in keeping the present proceedings pending. Having regard to law laid down by the Apex Court in the matter of *Gian Singh vs. State of Punjab and Another* reported in *(2012) 10 SCC 303* and *Narinder Singh & Ors. Vs State*

of Punjab & Anr. reported in *(2014) 6 SCC 129*, we deem it appropriate to allow the present proceedings in terms of prayer clause (a) as the Respondent No.2 has consented for quashing by consent.

7. Needless to clarify, the consequential charge-sheet filed against the Petitioner also stood quashed. The Writ Petition is disposed of.

8. The Petitioner is directed to pay the cost of Rs.50,000/- to the Association of Parents of Mentally Retarded Children in the State Bank of India being Account No.00000010884930648, IFSC Code SBIN0009056, within four weeks from the date of receipt of the order.

9. In response to the Court's query, the learned APP, on instructions, informs that steps shall be taken forthwith for recalling the LOC issued against the Petitioner.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)