

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1529 OF 2023

Ankit Sunil Gupta and others	Petitioners
versus	
The State of Maharashtra and another	Respondents

Ms.Siddh Vidya with Shalaka Karkar and Ms.Sunita Rai i/by M/s.Siddh Vidya & Associates for Petitioners.
Mr.Mukesh Gupta with Anita Pandey, Advocate for Respondent no.2.
Mr.S.S.Hulke, APP, for State.

**CORAM : A.S.GADKARI AND
 PRAKASH D.NAIK, JJ.**

DATE : 26th April 2023

PC :

1. Leave to amend to incorporate challenge to charge sheet in the prayer clauses granted.

Amendment be carried out forthwith and in any event during the course of the day.

2. By the present Petition under Article 226 of the Constitution of India, Petitioners, accused in Special Case No.172 of 2021 arising out of C.R.No.227 of 2020 registered with Byculla Police Station, Mumbai under Sections 376(2)(n), 417, 316, 34 of Indian Penal Code and Section 3(w)(i) of The Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act, 1989, have prayed for quashing of said crime by consent of Respondent no.2, the victim.

3. Heard Mrs.Siddh Vidya for Petitioners, Mr.Mukesh Gupta for Respondent no.2 and Mr.Hulke, APP, for State.

4. The FIR is lodged by Respondent no.2. It is the prosecution case that Petitioner and Respondent no.2 are working with Income Tax Department. They got acquainted with each other and became friends. Their friendship subsequently blossomed into love affair. That, Petitioner no.1 by giving promise to marry with Respondent no.2 established physical relations with her. Subsequently Petitioner no.1 introduced Petitioner nos.2, 3 and 4 i.e. his mother, father and maternal uncle with Respondent no.2. It is alleged that due to said relations Respondent no.2 became pregnant in December-2018. However, due to medicines administered by Petitioner no.1, her pregnancy was terminated. Subsequently Petitioner no.4 i.e. maternal uncle of Petitioner no.1 informed Respondent no.2 that, marriage of Petitioner no.1 with Respondent no.2 is not possible and disconnected relations with Respondent no.2. In this brief premise, present crime is registered. As Respondent no.2 belongs to Scheduled Caste, provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are also applied to present crime.

5. Learned Advocate for Petitioners submitted that Petitioner no.1 and Respondent no.2 have settled their differences and disputes and Respondent no.2 has decided not to pursue present crime further. She submitted that Respondent no.2 has filed an Affidavit dated 26th April

2023 duly affirmed before Assistant Registrar of this Court. In paragraph 11 thereof she has stated that she has settled the differences with Petitioners amicably and without any undue influence, coercion or pressure exerted by anybody. In paragraph 13 thereof she has stated that she has 'No Objection' if this Court quashes charge sheet i.e. Special Case No.172 of 2021 arising out of C.R No.227 of 2020 registered with Byculla Police Station, Mumbai. The signature of Respondent no.2 has been duly identified by her Advocate on record.

Respondent no.2 is personally present in the Court. She through her Advocate reiterated contents of her Affidavit dated 26th April 2023 and her 'No Objection' for quashing the crime in question.

6. The Hon'ble Supreme Court in the case of *Ramawater Vs. State of Madhya Pradesh*¹, has held that crime under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can be quashed by consent of informant.

7. In view of the above, Petition is allowed in terms of prayer clause (a).

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST