

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

CRIMINAL APPLICATION NO. 250 OF 2018

Shoeb Aslam Khan ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Ninad Muzumdar, Advocate for Applicant.

Dr. Shreya Shrivastava a/w Bhairavi a/w Varsha Manoharan, Advocate
for Respondent No.2.

Shweta S. Padwal, Respondent No.2 Present in Person.

Mr. Ajay Patil, APP for the Respondent–State.

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

DATE : 6th APRIL, 2023.

P.C. :-

1. This is an application for quashing the proceedings in Sessions Case No.160 of 2014 pending in the Court of Sessions for Greater Bombay with consent of Respondent No.2.

2. First Information Report (for short 'FIR') dated 21st October, 2023 was registered with Malwani Police Station vide C.R. No.388 of 2013 at the instance of Respondent No.2 for offences punishable under Sections 376, 313, 417, 406 of Indian Penal Code (for short 'IPC'). On completing investigation charge-sheet was filed and the case was committed to the Court of Sessions. Affidavit dated 1st March, 2018 affirmed by Respondent No.2 is filed in this

application stating that, the Respondent No.2 has mutually resolved her dispute with the Applicant. She was in love with the Applicant. The relationship between them was consensual. This application is pending in this Court since 2018. The Respondent No.2 has filed a fresh affidavit dated 6th April, 2023 stating that, she had love affair with Applicant and the relationship was consensual. She has consented for quashing the proceedings out of her own free will and without any coercion from any person. She has no objection for quashing C.R. No.388 of 2014 and consequent charge-sheet in Sessions Case No.160 of 2014 pending before the Court of Sessions Dindoshi, Mumbai.

3. The complainant/Respondent No.2 is present in the Court. She has confirmed the averments in the affidavits through her Advocate. She has consented for quashing the impugned proceedings. Both the parties are represented by their Advocates. It is jointly submitted that, in view of settlement between the parties, the proceedings may be quashed.

4. We have perused the charge-sheet. From the tenor of FIR and other documents it is apparent that, the Respondent No.2 and the Applicant were acquainted with each other. They were friends. The relationship between them was of consensual nature. There

was physical relationship between them. Since, the parties have resolved the dispute and Respondent No.2 has consented for quashing the proceedings, the relief sought in this application can be granted.

ORDER

- i. Criminal Application No.250 of 2018 is allowed.
- ii. Proceedings in Sessions Case No.160 of 2014 pending in the Court of Sessions at Dindoshi, Mumbai arising out of C.R. No.388 of 2013 registered with Malwani Police Station on 21st October, 2013 is quashed and set aside.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]