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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 287 OF 2021**

Gopitnath Chandrashekhar

....Applicant.

V/s

The State of Maharashtra & Ors

.....Respondents

Mr. Aditya Targe a/w Ms. Sneha Sanap for the Applicant.

Mr. S.V. Gavand, APP for the Respondent/State.

Mr. Shailesh Kharat for Respondent No.2.

Applicant and Respondent No.2 are present in Court.

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

DATE: SEPTEMBER 01, 2023

P.C:

1] Prayer is for quashing of the FIR in Crime No. 5 of 2021 for the offence punishable under Sections 506 and 509 of the Indian Penal Code. Applicant is also chargesheeted in the matter.

2] Genesis of the offence is, on 01.01.2021, Applicant under the influence of alcohol uttered offending words for Respondent No.2, thereby committing offence punishable under Sections 506 and 509 of the Indian Penal Code. Applicant has assured Respondent No.2 that he shall not repeat such conduct in future and shall not conduct himself in any way which will encroach on her privacy. Applicant and Respondent No.2-complainant have entered into consent terms. Consent terms are placed on record. Respondent No.2-complainant acknowledges receipt of written apology letter from the Applicant, so also demand draft of Rs 3 lakhs.

3] In the aforesaid backdrop, Respondent No.2-complainant has volunteered to extend consent for quashing which fact is verified by the learned APP after interacting with Respondent No.2-complainant, whose identity is confirmed by Counsel for Respondent No.2-complainant. Consent Affidavit of Respondent No.2-complainant is also placed on record.

4] Having regard to the law laid down by the Apex Court in the matters of *Gian Singh vs. State of Punjab & Anr* reported in **(2012) 10 SCC 303** and *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported in **(2014) 6 SCC 466**, since the prosecution cannot be taken to its logical end, we deem it appropriate to allow the Petition for quashing by consent in terms of prayer clauses (a) and (aa), subject to costs of Rs 50,000/- to be paid by the Applicant to the Association of Parents of Mentally Retarded Children by depositing the same in its A/c No.00000010884930648 with the State Bank of India, IFSC Code SBIN0009056 within six weeks and receipt to that effect be placed on record within a week thereafter, failing which order of quashing shall stand automatically recalled and this Court will be constrained to take appropriate steps against the Applicant in accordance with law.

5] Application is disposed of in the above terms.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE, J.)