

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1396 OF 2021**

Divyang (Prince) Rajesh Singh

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Vagish Mishra a/w. Mr.Rajuram Kuleriya i/b. Mr.Rahul Sharma for
Petitioner.

Mr.Ajay Patil, A.P.P. for Respondent No.1-State.

Mr. Manohar N. Rajput for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 13th June 2023.

PC. :

1. Petitioner, original accused in Sessions Case No. 0100823 of 2021 pending on the file of learned 41st Additional Sessions Judge, Mumbai, arising out of CR No. 237 of 2020 dated 14th December 2020 registered with Sewree Police Station, Mumbai, under Sections 376, 406, 504, 506 of Indian Penal Code (for short, "I.P.C.") has filed present petition for quashing of said case, with the consent of Respondent No.2, the victim.

2. Mr.Mishra, learned Advocate appearing for Petitioner submitted that, the relations between Petitioner and Respondent No.2 were consensual in nature. There were financial transactions between Petitioner and Respondent No.2 and when their relations got soured, the Respondent No.2 filed present

crime out of frustration and grudge. He submitted that, the Petitioner and Respondent No.2 have amicably resolved their differences and disputes and have settled the matter amicably.

3. Advocate Mr.Rajput, appearing for Respondent No.2 submitted that, Respondent No.2 has filed an affidavit dated 13th March 2021 duly notarized before a Notary Public and in para Nos.4, 5 & 8 thereof, she has admitted the fact of amicable settlement. Respondent No.2 has stated that, due to misunderstanding between herself and Petitioner, she has lodged the said crime. That, she has settled the matter with the Petitioner and she does not wish to proceed with the present case.

3.1 Respondent No.2 has also filed an additional affidavit dated 12th June 2023 duly notarized before a Notary Public. In para No.3 thereof, she has given her 'no objection' for quashing the crime in-question. She has also reiterated the contents of her affidavit dated 13th March 2021.

3.2 Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavits dated 13th March 2021 and 12th June 2023 and her 'no objection' for quashing the crime in-question.

4. Perusal of First Information Report indicates that, the Petitioner by extending promise to marry with Respondent No.2 established physical relations with her. The relations between the Petitioner and Respondent No.2 were consensual in nature. He also under the pretext of marriage made the Respondent No.2 to pay an amount of Rs.12,00,000/- and gold ornaments

weighing 5 tolas and subsequently defalcated total amount of Rs.15,40,000/-. However after Petitioner resiled from his promise of marriage, out of frustration the Respondent No.2 lodged present crime.

5. In view of the above, we are inclined to quash Sessions Case No. 0100823 of 2021 pending on the file of learned 41st Additional Sessions Judge, Mumbai, arising out of CR No. 237 of 2020 dated 14th December 2020 registered with Sewree Police Station, Mumbai.

5.1 As we expressed our opinion for quashing of said Sessions Case No. 0100823 of 2021 pending on the file of learned 41st Additional Sessions Judge, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.1,00,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

6. We direct the Petitioner 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 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

7. In view of the above, subject to payment of cost Petition is allowed in terms of prayer clause a(1).
8. It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said Sessions Case No. 0100823 of 2021 expeditiously.
9. List the Petition on board on 11th July 2023 under caption 'for reporting compliance' of present Order.
10. All the concerned to act on the basis of an authenticated copy of this Order.

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]