

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

CRIMINAL WRIT PETITION NO. 1156 OF 2023

Mukesh Bhavsing Chandre ...Petitioner

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Umesh Iyer a/w Ms. Ruchika Inddalkar a/w Mr. Danish Khan,
Advocate for Petitioner.

Mr. Jitendra P Jagtap, Advocate for Respondent No.2.

Mrs. M.M. Deshmukh, APP for the Respondent–State.

Mr. Nitin Mudgun, API, Padgha, Thane Rural Police Station.

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

DATE : 30th MARCH, 2023.

P.C. :-

1. Petitioner is challenging the First Information Report (for short 'FIR') registered with Padgha Police Station on 6th February, 2023 vide C.R. No.69 of 2023 for offence under Sections 376(2) (n), 315, 504, 506 of Indian Penal Code (for short 'IPC'). The FIR was lodged by Respondent No.2.

2. Learned Advocate for Petitioner and Respondent No.2 submitted that, parties have settled the dispute and the Respondent No.2 has no objection for quashing the impugned FIR. The Respondent No.2 is present in the Court and she has filed affidavit supporting the prayer for quashing the FIR. She has confirmed the

contents of affidavit.

3. The FIR was lodged by Respondent No.2 refers to the fact that, on 23rd January, 2021, she was introduced to Petitioner by her friend. They shared their cellphone numbers. They were having conversation on cellphone between them. Petitioner used to visit her house. He was doctor by profession. He gave promise of marriage to her and established relationship with her. On 8th May, 2022, the Respondent No.2 visited the house of accused. She stayed with him for two days and under the promise of marriage. The accused had established physical relationship with her. For a period about three to four month, the Respondent No.2 stayed in the house of Petitioner. They also stayed at resort at Nashik. There was physical relationship between them on several occasions. The family members of accused were aware about their relationship. She was pregnant. Pregnancy was terminated. The Respondent No.2 insisted for marriage. She was taken to lodge at Mumbai. There was physical relationship between them. Since the Respondent No.2 insisted for marriage, there was quarrel between them. She was abused by accused. The relatives of Petitioner/accused opposed their relationship. Hence, FIR was registered.

4. On perusal of allegations appearing in the FIR, it is apparent that, relationship between Petitioner and Respondent No.2 was consensual in nature. In the affidavit dated 20th March, 2023, the Respondent No.2 has stated that, matter is amicably settled by both the parties and she do not want to proceed with criminal complaint against Petitioner. The settlement is *bonafide* and she was not induced in any manner to arrive at amicable settlement. She has no objection for quashing the FIR registered vide C.R. No.69 of 2023 with Padgha Police Station. In view of the above, the FIR can be quashed.

5. Since the FIR is quashed on the ground of settlement between the parties. Learned Advocate for Petitioner on instructions submitted that, Petitioner is willing to deposit an amount of Rs.50,000/- towards cost to Central Police Welfare Fund within a period of two weeks. The cost would be deposited into the account as below :-

Bank Name	: Axis Bank Ltd.
Branch Name	: Worli, Mumbai – 400 025
Account Name	: Central Police Welfare Fund
Account No.	: 9140100290055759
IFSC Code	: UTIB0000060

6. Hence, we pass the following order;

ORDER

- i. First Information Report dated 6th February, 2023 registered with Padgha Police Station vide C.R. No.69 of 2023 is quashed and set aside.
- ii. Petitioner shall deposit an amount of Rs.50,000/- in the aforesaid account within a period of two weeks from the date of uploading the order and produce the receipt of deposit in the registry.
- iii. In the event, the amount is not deposited, the proceedings initiated through FIR would be revived.
- iv. Petition is disposed off.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]