

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1127 OF 2022

Nitesh Sitaram Thombare ... Petitioner

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Ajay Khairnar for the Petitioner.

Ms. S.D. Shinde, APP for the State.

Mr. Pawar instructed by Mr. Sumedh Waghmare for Respondent No.2.

Ms. Sanskriti Satish Pashilkar, present through VC.

Petitioner is present in Court.

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**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 21st DECEMBER 2023

P.C. :-

. This Petition is preferred for quashing the charge-sheet arising out of First Information Report dated 15th September 2018 (FIR) registered with Bhandup Police Station vide C.R. No.328 of 2018 for the offence under Section 376 of Indian Penal Code (IPC).

2. The tenor of the FIR indicates that the complainant was acquainted with the accused. They were in relationship. On account of differences, the FIR was registered.

3. It is jointly submitted that parties have resolved their differences. The complainant has no objection for quashing the proceedings.

4. The complainant is present through VC. She is identified by the Advocate representing her. She stated that she has no objection for quashing the proceedings. Affidavit of consent is filed by the complainant. The Affidavit indicates that the dispute is amicably settled and the proceedings can be quashed with her consent.

5. In these circumstances, the proceedings can be quashed. Hence, the order :

ORDER

- (i) Writ Petition No.1127 of 2022 is allowed.
- (ii) Proceedings in Sessions Case No.725 of 2019 pending before the Sessions Court, Mumbai arising out of Crime No.328 of 2018 registered with Bhandup Police Station are quashed and set aside.
- (iii) Petitioner shall pay costs of Rs.25,000/- within a period of three weeks from today.
- (iv) The costs shall be deposited into the account as below :

Account Name	:	Advocates Association of Western India Generation Next
Account No.	:	000110110007807
Bank Name	:	Bank of India
Branch Name	:	Mumbai Main
IFSC Code	:	BKID0000001
- (v) Receipt of deposit be produced in the Registry.
- (vi) Writ Petition is disposed off.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2023.12.22
18:01:48 +0530