

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 610 OF 2023**

Yogesh Prakash Patil

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Bharat V. Bhatia for the Applicant.

Mr. Ajay Patil APP for the Respondent-State.

Adv. Dhanwanti N. Khatri for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 27th JUNE, 2023.****P.C.:-**

1) Applicant, original accused in Sessions Case No.114 of 2021 pending on the file of Additional Sessions Judge, Kalyan arising out of C.R. No. I-491 of 2020 dated 12th August, 2020 registered with Kolsewadi Police Station, Taluka Kalyan, District Thane, under Sections 376, 417 and 506 of the Indian Penal Code, has filed present Application under Section 482 of Cr.P.C. for quashing of the said case, with the consent of Respondent No.2, informant.

2) Learned Advocate for the Applicant submitted that, as a matter of fact, the Applicant and Respondent No.2 have married on 5th April, 2021 with each other and the Competent Authority has issued a Certificate of Marriage dated 5th April, 2021 in that behalf. A photocopy of the said

Marriage Certificate dated 5th April, 2021 is annexed (Page No.105) to the Application. He submitted that, the Respondent No.2 is not desirous of pursuing the said Sessions Case and therefore it may be quashed by allowing present Application.

3) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has affirmed an Affidavit dated 14th February, 2023 before the Assistant Registrar of this Court. In paragraph No.3 thereof, she has admitted the fact of performing marriage with the Applicant and in paragraph No.4, she has given her 'no objection' for quashing the proceedings in question.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 14th February, 2023 and her 'no objection' for quashing of the Sessions Case No.114 of 2021.

4) In view thereof, we are inclined to quash Sessions Case No.114 of 2021 pending on the file of Additional Sessions Judge, Kalyan, District Thane arising out of C.R. No. I-491 of 2020 dated 12th August, 2020 registered with Kolsewadi Police Station, Tal. Kalyan, District Thane.

5) As we expressed our opinion for quashing of said Sessions Case No.114 of 2021, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.10,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today. The said

statement is accepted as an undertaking given to this Court.

6) We direct the Applicant to pay a cost of Rs.10,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

7) Applicant to deposit the said cost of Rs.10,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

8) In view of above, subject to payment of cost, Application is allowed in terms of prayer clause (b).

9) 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.114 of 2021 expeditiously.

10) List the Application on 24th July, 2023 under caption '*for reporting compliance*' of present Order.

11) All the concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date:
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