



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2389 OF 2023

Vishal Bhagwat Sonawane

... Petitioner

V/s.

The State Of Maharashtra And Ors.

... Respondents

Mr. Adil Mirza i/b Mr. A. A. Mirza for Petitioner.

Mr. Ajay Patil, APP for Respondent No.1&2-State.

Mr. Sharik J. Khan for Respondent No.3.

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

DATE : 7th AUGUST, 2023.

PC. :

1) Petitioner, accused in Sessions Case No. 691 of 2022 pending on the file of learned Additional Sessions Judge, Dindoshi, Goregaon, Mumbai, arising out of C.R. No. 398 of 2022 registered with Goregaon Police Station, Mumbai, under Sections 376 (2)(n), 420, 323, 504, 506 of the Indian Penal Code and under Section 66 of the Information Technology Act, has filed present Petition under Article 226 of the Constitution of India and under Section 482 of the Cr.P.C. for quashing of the said case with the consent of Respondent No.3, the informant.

2) Learned Advocate for Petitioner submitted that, Petitioner and Respondent No.3 have settled the matter amicably and Respondent No.3 has given her consent for quashing of present case.

3) Learned Advocate for Respondent No.3 submitted that, Respondent No.3 has filed Affidavit dated 21st July, 2023 duly affirmed before a Notary Public. Respondent No.3 has stated that, after the relations with Petitioner got soured, she has lodged the present crime. That, Respondent No.3 has also given her consent for quashing of present case.

Respondent No.3 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 21st July, 2023 and her 'no-objection' for quashing of the crime in question.

4) Perusal of FIR indicates that, Petitioner and Respondent No.3 were earlier studying in the same college at Mumbai. They again came into contact through a social media namely Instagram. Their friendship was subsequently blossomed into an affair and the Petitioner by giving promise to marry with the Respondent No.3 established physical relations with her. It is alleged that, Petitioner induced Respondent No.3 to part with an amount of approximately Rs.5,00,000/-. It is also alleged that, Petitioner threatened Respondent No.3, to circulate their intimate pictures/ photographs on social media and to defame her. In the month of February, 2020 Respondent No.3 realized that, the Petitioner is having relations with other girls and bickering ensued between them. When Respondent No.3 demanded her money back, Petitioner threatened her with dire consequences including to kill her entire family. Their relations were subsequently got extremely soured and out of frustration and anger Petitioner lodged present crime.

5) Perusal of FIR indicates that, relations between Petitioner and Respondent No.3 were consensual in nature between two adult persons. Respondent No.3 accompanied Petitioner at various lodges in the vicinity of Mumbai between October 2019 till October, 2021.

6) In view thereof, we are inclined to quash the said Sessions Case No. 691 of 2022 pending on the file of learned Additional Sessions Judge, Dindoshi, Goregaon, Mumbai, arising out of C.R. No. 398 of 2022 registered with Goregaon Police Station, Mumbai.

7) As we expressed our opinion for quashing of the Sessions Case No. 691 of 2022, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

8) We direct the Petitioner to pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital) within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Details of the bank Account for payment of cost are as under:-

Bank Name	:-	Central Bank of India.
Branch Name	:-	TMH, Parel, Mumbai – 400 012.
Account Name	:-	Tata Memorial Centre (Tata Memorial Hospital)
Account Number	:-	1002449683

IFSC Code :- CBIN0284241

8.1) Petitioner to deposit the said cost of Rs.1,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

10) 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. 691 of 2022 expeditiously.

11) List the Application on board on 1st September, 2023, under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)