

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

CRIMINAL APPLICATION NO.475 OF 2021

Rahul Prakash Padwal Applicant
versus
The State of Maharashtra and another Respondents

Mr. Shailesh Kharat, Advocate for Applicant.
Mr. Amritpal Singh Khalsa, Advocate for Respondent no.2.
Mr. S.S. Hulke, APP, for State.

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

DATE : 5th April 2023

PC :

1. By the present Application u/s.482 of Cr.PC, the Applicant, accused in C.R No.218 of 2020, dated 28th September 2020 registered with Shivaji Nagar Police Station, Ambarnath, District Thane, under Sections 376, 420 of IPC and under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has prayed for quashing of said FIR, by consent of Respondent no.2, the victim.

2. Learned Advocate for Applicant submitted that, after lodgment of present crime, the Applicant had preferred Anticipatory Bail Application before the Trial Court which was rejected. Applicant thereafter preferred Criminal Appeal (St.) No.5017 of 2020 before this Court and in the said Appeal both the parties had submitted before this Court that,

they had decided to marry, but subsequently they have decided otherwise i.e. not to marry. It is submitted that, perusal of the FIR would indicate that, relations between Applicant and Respondent no.2 were consensual in nature. That, Applicant subsequently got engaged with other girl and thereafter present crime came to be lodged. The said relations between Applicant and Respondent no.2 were continued from 17th November 2018 till lodgment of crime i.e. 28th September 2020. He therefore prayed that, present crime therefore be quashed.

3. Learned Advocate appearing for Respondent no.2 conceded to the facts stated by the learned Advocate for Applicant. He submitted that, Respondent no.2 has filed an Affidavit dated 31st March 2022 in the present Application and has given her 'no objection' to quash the FIR in question, by this Court.

4. Perusal of FIR lodged by Respondent no.2 makes it clear that, there is substance in the contentions of the Advocate for Applicant. It is stated that, earlier Applicant and Respondent no.2 were friends. Their friendship blossomed into an affair and subsequently, it is alleged that, Applicant established physical relations with Respondent no.2 on the promise of marriage with her. The fact of giving proposal of marriage by Applicant was well within the knowledge of Respondent no.2. That, Respondent no.2 got knowledge about engagement of Applicant with another girl and she realized that, she has been cheated. Thereafter present crime is lodged.

5. As noted in our order dated 29th April 2022 in Criminal Appeal (St.) No.5017 of 2020, parties herein had informed the Court that, they had decided to marry but subsequently decided otherwise i.e. not to marry with each other.

Respondent no.2 has filed an Affidavit dated 31st March 2022 and in paragraph 7 thereof she has given her no objection for quashing of the crime in question. It is informed to this Court by both the Advocates that, Applicant and Respondent no.2 have decided to part their ways in happy terms to live their life in their own way.

Respondent no.2 is personally present in the Court and through her Advocate reiterated the contents of her Affidavit dated 31st March 2022 and also gave her no objection to quash present Crime i.e. C.R No.218 of 2020 registered with Shivaji Nagar Police Station, Ambarnath, District Thane, in unequivocal terms.

6. In view thereof, we are inclined to quash the said crime No.218 of 2020 registered with Shivaji Nagar Police Station, Ambarnath, District Thane, dated 28th September 2020.

As we expressed our opinion for quashing of said crime by consent of parties, learned Advocate for Applicant on instructions submitted that, Applicant will pay a cost of Rs.50,000/- 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.

We direct the Applicant to pay cost of Rs.50,000/- 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 High Court.

The details of bank account for payment of cost are as follows:-

Bank Name	:	Axis Bank Limited
Branch Name	:	Worli, Mumbai (M.H), Mumbai-400025
Account Name	:	Central Police Welfare Fund
Account Number	:	914010029005759
IFSC Code	:	UTIB0000060

7. In view of above, Application is allowed in terms of prayer clause (a).

8. It is made clear that, if cost is not paid within the stipulated period as mentioned above, the present Application shall stand revived and in that event investigating agency shall proceed with investigation of said crime.

9. List the Petition on 3rd May 2023 under caption 'for reporting compliance' of present Order.

10. All the concerned to act on an authenticated copy of this Order issued by Registry.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST