

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

CRIMINAL WRIT PETITION NO. 2743 OF 2022

Anil Vishnu Kokate Patil

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Aditya S. Raktade, for the Petitioner.

Mr. S. V. Gavand, APP for Respondent-State.

Mr. Gaurav Nankar, for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ**

DATED : 7th SEPTEMBER, 2023

P.C.:

1. Alleging sexual exploitation by the Petitioner, a complaint came to be lodged by the Respondent No. 2/Complainant on 31/01/2022 resulting into registration of the offence being Crime No. 78 of 2022 punishable u/s. 376(2)(n), 34 and 506 of the IPC.
2. The Petitioner is informed to have released on pre-arrest bail vide order dated 11/03/2022 passed by this Court in ABA/670/2022.
3. Quashing of the aforesaid proceedings is sought on the ground of consensual relationship. The Respondent No. 2/Complainant through her lawyer has placed on record duly sworn Affidavit dated 07/09/2023 in the Registry of this Court

stating that in view of the intervention of the family members and she being a single mother having two kids decided to move ahead in life and as such, consenting for quashing. The Affidavit tendered by the Respondent No. 2/Complainant is taken on record.

4. So as to verify the aforesaid act on the part of the Respondent No. 2/Complainant of extending consent is voluntarily or not, we have requested Mr. Gavand, learned APP to interact with the victim i.e. the Respondent No. 2/Complainant.

5. The Respondent No. 2/Complainant claims to have understood the contents of the Affidavit and stated through Mr. Gavand that she is extending consent out of her free will and in the interest of her family members.

6. In view of the stand taken by the Respondent No. 2/Complainant, what can be appreciated is, the prosecution initiated against the Petitioner will not achieve any positive outcome and continuation of the prosecution will be of empty formality.

7. In view of above and the law laid down by the Apex Court in the matter of **Sonu @ Subhash Kumar vs. State of Uttar Pradesh & Anr.** in **Criminal Appeal No. 233 of 2021**, we deem it appropriate to allow the Petition in terms of prayer clause (a)

subject to payment of cost of Rs.50,000/- to be paid by the Petitioner to the Kokan Kala Va Shikshan Vikas Sanstha (Bank of Maharashtra, Account No:60129595245, IFSC Code:MAHB0000068) within a period of four weeks from today.

8. The Petitioner shall produce the copy of the receipt of payment of aforementioned cost in the Registry within a period of four weeks from today, failing which the order of quashing the proceedings shall stand recalled.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)