

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 408 OF 2023**

Dharmendra S/o Nandlal Chaube And Anr ...Applicants

Versus

The State Of Maharashtra And Anr ...Respondents

Mr. Abhishek Kulkarni Advocate for Applicants.

Mrs. M. M. Deshmukh, APP for Respondent No.1-State.

Mr. R. S. Pere, Advocate for Respondent No.2

Mr. Amarshing Jadhav, DCP, Zone-5, Thane City is present.

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

DATE : 28th APRIL 2023.

P.C.:-

1. Taking into consideration the serious and heinous allegations against the Applicants, when this Court was not inclined to grant any relief to the Applicants, learned Advocate on instructions seeks leave to withdraw present Application unconditionally.

Leave granted.

2. Application is dismissed as withdrawn.

3. The Respondent No.2 i.e. victim in the present crime through her Advocate today has tendered across the bar an Affidavit dated 20th April 2023, giving her consent, for quashing of the present crime.

It appears to us that, the Respondent No.2 is pressurized, coerced and forced by the Applicants to execute present Affidavit, giving her consent for

quashing the crime in question.

4. As per our oral directions, the Deputy Commissioner of Police, Zone-5, Thane City is personally present in the Court.

We direct Deputy Commissioner of Police, Zone-5, Thane City to further investigate the present crime through appropriate Officer and to find out the fact as to whether the Respondent No.2 and/or her parents were pressurized, coerced, forced and/or threatened to submit an Affidavit of Respondent No.2 in this Court. If it is found that, the Respondent No.2 and/or her parents were pressurized, coerced, forced and/or threatened to submit the Affidavit dated 20th April 2023 in the present proceedings, this Court expects from the Deputy Commissioner of Police to adopt appropriate legal measures in that behalf.

5. Learned APP on instructions informed us that, Anticipatory Bail Application No.1167 of 2023 preferred by Applicant is pending before the Trial Court.

6. We therefore direct the learned Additional Sessions Judge, Thane seized of Anticipatory Bail Application No. 1167 of 2023 filed in Crime No. 0335 of 2022 registered with Vartak Nagar Police Station, Thane City, to decide the same expeditiously and in any event within a period of four weeks from the date of receipt of present Order, without seeking extension in that behalf.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)