

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1567 OF 2023**

Suraj Narayan Mandal

... Petitioner

V/s.

State Of Maharashtra And Anr.

... Respondents

Mr. Ashley Cusher for Petitioner.

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

Ms. Priyanka S. Tiwari for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 23rd JUNE, 2023.****PC. :**

1. Petitioner, original accused in Sessions Case No. 77 of 2022 pending on the file of learned Additional Sessions Judge, Vasai arising out of C.R. No. 665 of 2022, registered with Virar Police Station, District Palghar, under Sections 376, 376(2)(n), 504 and 506 of the Indian Penal Code, has prayed for quashing of the said case with consent of Respondent No.2, the informant.

2. Learned Advocate for Petitioner submitted that, relations between Petitioner and Respondent No.2 were consensual in nature however after the fact that, the Petitioner is already a married person came to knowledge of Respondent No.2, their relations got strained and thereafter Respondent No.2 lodged present crime. He submitted that,

Petitioner and Respondent No.2 have now settled their disputes and differences amicably with the mediation of respected persons from the society and Respondent No.2 has given consent for quashing the said Sessions Case.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 14th June, 2023, duly affirmed before a Notary Public. That, the Respondent No.2 has given her no objection for quashing the said said Session Case No. 77 of 2022 arising out of C.R. No. 665 of 2022 registered with Virar Police Station, District Palghar.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 14th June, 2023 and her “no objection” for quashing the crime in question.

4. Perusal of FIR indicates that, the acquaintance of Petitioner with Respondent No.2 blossomed into a love affair and they used to move around freely. That, by giving promise to marry with Respondent No.2 the Petitioner established physical relations with her. Subsequently wife of Petitioner got knowledge of their affair and she called Respondent No.2 to her house at Kopari Naka, Virar. The relations between Petitioner and Respondent No.2 subsequently got soured and Respondent No.2 had been to the house of mother-in-law of Petitioner to meet him, however when he was not found she consumed phenyle at the said place. It is alleged that, by extending the promise of marriage Petitioner continue to had physical

relations with Respondent No.2 for about fifteen months. A bare perusal of FIR clearly indicates that, the relations between Respondent No.2 were consensual in nature between two adult persons.

5. In her Affidavit dated 14th June, 2023, the Respondent No.2 has stated that, due to differences between her and Petitioner, out of sheer miscommunication and anger as she was in intense love relationship with Petitioner and was dating with him, she has filed present crime. It is stated that, she was aware of the martial status of the Petitioner. That, due to the intervention of friends she has reached to amicable settlement. In para No.6 thereof, she has given her no objection for quashing the said Sessions Case No. 77 of 2022 arising out of C.R. No. 665 of 2022.

6. In view of the above, as we expressed our opinion for quashing of said Sessions Case No. 77 of 2022 arising out of C.R. No. 665 of 2022, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a 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. The said statement is accepted as an undertaking given to this Court.

7. We direct the Petitioner to pay a 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 Bombay High Court.

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

Bank Name :- Axis Bank Limited.
Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025
Account Name :- Central Police Welfare Fund
Account Number :- 914010029005759
IFSC Code :- UTIB0000060

Petitioner to deposit the said cost of Rs.50,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

8. In view of above and subject to the payment of cost, Sessions Case No. 77 of 2022 pending on the file of learned Additional Sessions Judge, Vasai arising out of C.R. No. 665 of 2022 registered with Virar Police Station, District Palghar, is quashed.

9. It is made clear that, if the cost is not paid within stipulated period as mentioned above, this Petition shall stand revived automatically and in that event, the trial Court will proceed with the hearing of the said Sessions Case No. 77 of 2022 expeditiously.

10. List the Petition on 14th 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.)