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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4999 OF 2021

Ankit Prakash Jadhav

...Petitioner

V/s.

The State Of Maharashtra And Anr

...Respondents

Mr. Mahesh Tiwari i/b. Bipin Chandra for the Petitioner.

Smt. M. M. Deshmukh, APP for the State.

Mr. Pravin Narsale for the Respondent No.2.

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

DATED : 6th SEPTEMBER, 2023

PC.:

1. Heard.

2. Leave to amend so as to question the charge-sheet and the criminal proceedings initiated against the Petitioner. Amendment to be carried out forthwith.

3. The prayer is for quashing of the F.I.R. in Crime No.527 of 2021 dated 09th May, 2021 registered with Andheri Police Station, Mumbai for the offence punishable under Sections 376 and 376 (n) of the Indian Penal Code, 1860.

4. The Petitioner is already charge-sheeted and is facing criminal prosecution for the aforesaid offences.

5. Respondent No.2 in Complaint dated 9th May, 2021 alleged that after engagement on 13th May, 2021, on various occasions, the Petitioner sexually exploited her under promise of marriage and thereafter refused to marry her.

6. After the investigation, the Petitioner came to be charge-sheeted. However, Respondent No.2-Complainant has placed on record an affidavit thereby voluntarily stating that she has no intention to pursue the present matter against the Petitioner, which decision she has taken in the interest of her future life. She has, through learned APP, voluntarily stated that the relationship was consensual and she has no objection for quashing of the prosecution.

7. As the Respondent No.2 has voluntarily and willingly consented for quashing of the offence against the Petitioner, no purpose will be served in keeping the present proceedings pending. Having regard to law laid down by the Apex Court in the matter of *Gian Singh vs. State of Punjab and Another* reported in *(2012) 10 SCC 303* and *Narinder Singh & Ors. Vs State of Punjab & Anr.* reported in *(2014) 6 SCC 129*, we deem it appropriate to allow the present proceedings in terms of prayer clause (a) and amended prayer clause (aa) subject to payment of cost of Rs.50,000/- by the Petitioner.

8. The cost shall be paid to the Janseva Foundation to be

deposited in the Bank of Maharashtra Account No.20076764639, IFSC Code MAHB0000102, within four weeks from the date of receipt of the order and a receipt to that effect be placed on record within a week thereafter, failing which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Petitioner in accordance with law.

9. Writ Petition is disposed of in the aforesaid terms.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE)