



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 497 OF 2023

Ramesh Ramdas Jagtap

... Applicant

V/s.

State Of Maharashtra And Anr.

... Respondents

Mr. M. B. Shirsat for Applicant.

Mr. S. S. Hulke, APP for Respondent No.1-State.

Ms. S. G. Acharya for Respondent No.2.

CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.

DATE : 7th AUGUST, 2023.

PC. :

1) Applicant, accused in Atrocity Special Case No. 3 of 2018 pending on the file of learned Additional District Judge, Pune, arising out of C.R. No.215 of 2017 dated 30th November, 2017 registered with Rajgad Police Station, Pune, under Sections 376 and 420 of the Indian Penal Code and under Sections 3 (1) (w) (i) (ii), 3 (2) (V-A), 3 (2) (5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (*for short "the S.C.S.T. Act"*), has filed present Application under Section 482 of the Cr.P.C. for quashing of the said case with the consent of Respondent No.2, the victim.

2) Learned Advocate for Applicant submitted that, Applicant and Respondent No.2 were having an affair and the alleged act as contemplated

under Section 376 of the IPC was a consensual act between them. That, when their relation got soured, present crime was registered by the Respondent No.2. That, Applicant and Respondent No.2 have has settled their disputes and differences and Respondent No.2 has given her consent for quashing of the said case.

2.1) Learned Advocate for Applicant submitted that, as far as the Application of the provisions of S.C.S.T. Act are concerned, the Hon'ble Supreme Court in the case of *Ramawatar V/s. State of Madhya Pradesh, (2021) SCC OnLine SC 966* has held that, where it appears, offence in question, although covered under the S.C.S.T. Act, is primarily private or civil in nature or where the alleged offence has not been committed on account of the caste of the victim or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering the a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a special statute would not refrain the Supreme Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 of Cr.P.C.

2.2) He therefore prayed that, the said case may be quashed by allowing the Application.

3) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed Affidavits dated 10th April, 2023 and 31st July, 2023, duly affirmed before a Notary Public supporting the Applicant. That, Respondent No.2 has given her consent for quashing of present crime.

4) Perusal of FIR indicates that, on the date of lodgment of present crime, Respondent No.2 was aged about 32 years. She came in contact with Applicant on social media site. The Respondent No.2 accepted request of Applicant to be a friend. Their friendship was subsequently ensued in an affair and they started meeting each other in the vicinity of Khedshivapur. Respondent No.2 subsequently realized that, the Applicant is a married person and requested him not to continue with physical relations with her. The Applicant by administering threat i.e. to cause harm to his own life, forced Respondent No.2 to continue with their physical relations. Subsequently on 21st November, 2017, the Applicant informed Respondent No.2 that, he is no more interested in her and discontinued their relations.

4.1) It appears to us that, the relations between Applicant and Respondent No.2 were consensual in nature between two adult person and when their relations got soured, Respondent No.2 lodged present crime out of frustration. The dispute between Applicant and Respondent No.2 is primarily *inter-se* between them and has not been committed on account of the caste of the victim. The factual matrix of present case would indicate that, Applicant and Respondent No.2 have decided to put an end to their

dispute to maintain cordial atmosphere and therefore Applicant has prayed for quashing of present crime with the consent of Respondent No.2.

4.2) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavits dated 10th April, 2023 and 31st July, 2023 and her 'no-objection' for quashing of the crime in question.

5) In view thereof, we are inclined to quash the said Atrocity Special Case No.3 of 2018 pending on the file of learned Additional District Judge, Pune, arising out of C.R. No.215 of 2017 dated 30th November, 2017 registered with Rajgad Police Station, Pune.

6) As we expressed our opinion for quashing of said Atrocity Special Case No.3 of 2018 learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.75,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

7) We direct the Applicant to pay a cost of Rs.75,000/- to Tata Memorial Centre (Tata Memorial Hospital) within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

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

Bank Name :- Central Bank of India.

Branch Name :- TMH, Parel, Mumbai – 400 012.

Account Name :- Tata Memorial Centre
(Tata Memorial Hospital)
Account Number :- 1002449683
IFSC Code :- CBIN0284241

Applicant to deposit the said cost of Rs.75,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of above and subject to payment of cost, Application is allowed in terms of prayer clause (a).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said Atrocity Special Case No.3 of 2018 expeditiously.

10) List the Application on board on 1st September, 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.)