

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1979 OF 2023**

Siddharth Tulsidas Tripathi

.. Petitioner

V/s.

State of Maharashtra & Anr.

.. Respondents

Ms. Sana Raees Khan a/w. Mr. Aditya Parmar for Petitioner

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

Mr. Akshay K.T. for Respondent No.2

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 16th JUNE 2023.****PC. :**

1. Present Petition has been filed under Article 226 and 227 of the Constitution of India and under Section 482 of the Criminal Procedure Code by the accused in C.R.No. 162 of 2023 dated 26.02.2023 registered with Hinjewadi Police Station, Pimpri Chinchwad, Pune under Sections 376(2)(n), 312, 406 and 506 of the Indian Penal Code, 1860 for quashing of the said crime with the consent of Respondent No.2, the victim.

2. Learned Advocate for the Petitioner submitted that, Petitioner and Respondent No.2 were having an affair and the alleged act as contemplated under Section 376 of the I.P.C. was a

consensual act. She submitted that, as a matter of fact Petitioner has returned the alleged defalcated amount to the Respondent No.2. He submitted that, when their relations got soured, Respondent No.2 has lodged present crime. That, the parties herein have resolved their disputes and differences and have reached to an amicable settlement.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed an affidavit dated 12.06.2023 and an additional affidavit dated 16.06.2023. In paragraph No. 7 of additional affidavit dated 16.06.2023, Respondent No.2 has stated that, in view of the amicable settlement between her and the Petitioner, she withdraws all the allegations made in the FIR. In paragraph No. 8 thereof it is stated that, she has 'no objection' if the Court allows the prayers of the Petitioner and quash the crime in question.

Respondent No.2 is personally present in Court and through her Advocate reiterates the contents of her affidavit dated 16.06.2023 and her 'no objection', for quashing of the crime in question.

4. In view thereof, as we expressed our opinion for quashing of said C.R. No. 162 of 2023 registered with Hinjewadi Police Station, Pimpri Chinchwad, Pune, learned Advocate for the

Petitioner on instructions, submitted that, Petitioner will pay a cost of Rs.50,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

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.

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

6. It is made clear that, if the cost is not paid within

stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the Investigating Officer shall complete the investigation of the present crime expeditiously.

7. List the Petition on 7th July 2023 under caption '*for reporting compliance*' of present Order.

8. All the concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)