

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1989 OF 2023**

Dr. Devendra Alias Devendra Kumar

Pandurang Jadhav

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Dr.Rajendra Anbhule, for the Petitioner.

Mrs.M.M. Deshmukh, APP for the Respondent-State.

Mr.Telesh Dande i/b Mr.Vijay K. Shelar, for Respondent No.3.

Mr.Vinod Waingankar, PSI, Roha Police Station present in Court.

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

**DATE : 20<sup>th</sup> JUNE 2023**

**P.C.**

1. By the present Petition, under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, the Petitioner-Original accused in C.R. No.90 of 2023 registered with Roha Police Station, District-Raigad, under Section 376 and 420 of the Indian Penal Code has prayed for quashing of the said Crime with the consent of Respondent No.3, the victim.

2. Learned Advocate for the Petitioner submitted that, it is the allegation against the Petitioner that, by extending promise to

marry with Respondent No.3 he established physical relations with her at various places in the State of Maharashtra. That, the Petitioner has now resolved the differences and disputes with the Respondent No.3 and the Respondent No.3 has given consent for quashing of the said crime.

3. Learned Advocate for Respondent No.3 submitted that the Respondent No.3 has filed an affidavit dated 2<sup>nd</sup> June 2023. In paragraph No.3 thereof, she has stated that she had lodged the said F.I.R. due to misunderstanding. That, she has now no grievance against the Petitioner and she does not want to proceed against him. In paragraph No.4 thereof, she has given 'no objection' for quashing of the crime in question. It is stated in the affidavit that, the same is being affirmed without any coercion, undue influence or pressure on her or threat from anybody.

Respondent No.3 is personally present in the Court and through her Advocate reiterates contents of her Affidavit dated 02<sup>nd</sup> June 2023 and her 'no objection' for quashing the crime in question.

5. Perusal of the FIR indicates that, the Petitioner and Respondent No.3 both were divorcees and they came in contact through divorcee matrimonial site. That, by exchanging promise of the marriage with the Respondent No.3, Petitioner established physical relations with her at various hotels in Maharashtra. It

appears that, the relations between the Petitioner and Respondent No.3 were consensual in nature between two adult persons and when the relations got strained and soured, the Respondent No.3 out of the frustration and grudged lodged the present crime against the Petitioner.

6. In view of the above, we are inclined to quash C.R. No.90 of 2023 registered with Roha Police Station, District-Raigad.

As we expressed our opinion for quashing of said C.R. No.90 of 2023 registered with Roha Police Station, District-Raigad, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.1,00,000/- 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 Applicant to pay a cost of Rs.1,00,000/- 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

Applicant to deposit the said cost of Rs.1,00,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

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

8. 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 Investigating Officer shall complete the investigation of the present crime expeditiously.

9. List the Application on 21<sup>st</sup> July 2023 under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)