

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2001 OF 2023**

Kushal Alok Jauhari and Anr.

... Petitioners

V/s.

The State of Maharashtra and Anr.

... Respondents

Mr. Nagesh S. Khedkar along with Mr. Vijay Aggarwal for Petitioners.

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

Mr. Hrishikesh Pawaskar along with Mr. Yogiraj Swami for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 22nd JUNE, 2023.****PC. :**

1. Petitioners, original accused in C.R.No.1109 of 2022 dated 19th November 2022 registered with Hinjewadi Police Station, Pimpri-Chinchwad, under Section 376(1) of Indian Penal Code have filed present Petition under Article 226 of the Constitution of India and Section 482 of the Criminal Procedure Code for quashing of the said crime with consent of Respondent No.2, the victim.

2. Learned Advocate for Petitioners submitted that, Petitioners and Respondent No.2 have settled their differences and disputes amicably and Respondent No.2 has given her consent for quashing of the crime in question.

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3. Learned Advocate appearing for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 25th May 2023 duly affirmed before a Notary Public at Pune. In Paragraph No.5 of the said Affidavit, Respondent No.2 has given her consent for quashing of the crime in question, for the reasons more specifically stated therein.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 25th May 2023 and her no objection for quashing of the crime in question.

4. Perusal of the First Information Report indicates that, Petitioner No.1 came into contact with Respondent No.2 on Shaadi.com, a matrimonial site. On 24th July 2022, their engagement was performed at Orchid Hotel, Pune. It is alleged that, taking undue advantage of the fact that the engagement of Petitioner No.1 with Respondent No.2 was already performed, Petitioner No.1 forcibly established physical relations with Respondent No.2 at two different places in vicinity of Pune. Subsequently, Petitioner No.1 resiled from his promise to marry. Respondent No.2 along with her parents thereafter had been to Ashok Nagar, District Prayagraj, Uttar Pradesh for questioning Petitioner No.1 about the same, when he and his mother i.e. Petitioner No.2 abused Respondent No.2 and told her that Petitioner No.1 would not perform marriage with her and drove them away.

Perusal of the F.I.R. indicates that, Respondent No.2 was aged about 25 years on the date of lodgment of the crime and was a consenting party

to the alleged act by Petitioner No.1, as contemplated under Section 376 of the Indian Penal Code.

5. In view of the above, we are inclined to quash C.R.No.1109 of 2022 dated 19th November 2022 registered with Hinjewadi Police Station, Pimpri-Chinchwad.

As we expressed our opinion for quashing of said C.R.No.1109 of 2022 dated 19th November 2022 registered with Hinjewadi Police Station, Pimpri- Chinchwad, learned Advocate for Petitioners, on instructions, submitted that Petitioners 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.

6. We direct the Petitioners 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

Petitioners 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.

7. In view of above, the Petition is allowed in terms of prayer clause (a) subject to the payment of cost.
8. 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 Investigating Agency will complete the investigation of C.R.No.1109 of 2022 expeditiously.
9. List the Petition on 20th July 2023 under caption 'for reporting compliance' of present Order.
10. All concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)