

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5694 OF 2021**

Rajesh S/o. Pralhad Meena

...Petitioner

Versus

The State Of Maharashtra And Anr.

...Respondents

Mr. A. M. Saraogi, Advocate for Petitioner.

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

Mr. Siddharth Jaiswal for Complainant/Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 29th MARCH, 2023.**

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P.C.:-

1. Rule. Rule made returnable forthwith and by consent of learned Advocates for respective parties taken up for hearing.
2. Heard Mr. Saraogi, learned Advocate for Petitioner, Mr. Patil, learned APP for Respondent No.1-State and Mr.Jaiswal, learned Advocate for Respondent No.2.
3. By the present Petition, Petitioner/Original Accused in Sessions Case No.573 of 2021 pending on the file of learned Additional Sessions Judge, Greater Mumbai, arising out of F.I.R. No.390 of 2019, dated 18th August 2019 registered with Vakola Police Station, Mumbai is seeking quashment of said Sessions Case and FIR by consent of Respondent No.2, the first

informant.

4. Mr. Saraogi, learned Advocate for Petitioner submitted that, perusal of FIR would indicate that, the FIR is lodged by Respondent No.2 basically with an allegation that, though the Petitioner gave promise to marry with her and thereafter established physical relationship with her, subsequently he resiled from the said promise and therefore, the present crime is registered. The alleged physical relations between Petitioner and Respondent No.2 were of consensual in nature between two adult persons. He submitted that, Respondent No.2 has filed Affidavit dated 18th January 2023 and has given her 'No Objection' for quashment of the said case i.e. Sessions Case No.573 of 2021 arising out F.I.R. No.390 of 2019 dated 18th August 2019 registered with Vakola Police Station, Mumbai.

5. Learned Advocate appearing for Respondent No.2 conceded to the fact of filing of the said Affidavit dated 18th January 2023 by the Respondent No.2. The Respondent No.2 is personally present in the Court and through her Advocate admitted execution of the said Affidavit and has also given her 'No Objection' for quashment of said case i.e. Sessions Case No.573 of 2021 arising out C.R. No.390 of 2019 dated 18th August 2019 registered with Vakola Police Station, Mumbai.

6. Perusal of F.I.R. would indicate that, there is substance in the argument advanced by learned Advocate for Petitioner. The physical relations between Petitioner and Respondent No.2 were of consensual

nature and after the Petitioner resiled from his promise to marry with Respondent No.2, the present crime has been filed out of frustration.

7. In view of the above, Sessions Case No.573 of 2021 pending on the file of learned Additional Sessions Judge at Greater Mumbai arising out F.I.R. No.390 of 2019 dated 18th August 2019 registered with Vakola Police Station, Mumbai is quashed.

Petition is allowed. Rule is accordingly made absolute in terms of prayer clause (a).

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)