

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3274 OF 2021**

Ganesh Motiram Sakhare

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Rohan Bansal for Petitioner.

Mr. Ajay Patil, A.P.P. for Respondent No.1-State.

Mr. Abhijit Mandre h/f. Mr. Sunil Yadav for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 25th April 2023.****P.C. :**

1. Petitioner, original accused in CR No. 94 of 2021, dated 26th March 2021, registered with Sahar Police Station, Mumbai, under Section 376(2)(N) of Indian Penal Code, has filed present Petition for quashing of the said crime with the consent of Respondent No.2, the victim.

2. Learned Advocate for Respondent No.2 has tendered across the bar an affidavit dated 25th April 2023 duly affirmed before a Notary Public.

3. Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of her affidavit dated 25th April 2023 and her 'no objection' for quashing the said crime.

In para No.4 of her affidavit, it is stated that, due to intervention of common friends and well wishers, the Petitioner and Respondent No.2

have settled the matter amicably, so that they can focus on their future life. That she is not desirous in prosecuting the said crime further against the Petitioner and is consenting for quashing of the same. The signature of Respondent No.2 has been identified by her Advocate Mr.Abhijit Mandre.

4. Perusal of First Information Report (F.I.R.) indicates that, the Respondent No.2 who is a married woman was working at Prime Corporate Park, Andheri (East) as 'Housekeeper'. Petitioner was working as 'Supervisor' of security staff at the said place. Petitioner and Respondent No.2 came in contact with each other. It is alleged that, the Petitioner thereafter committed sexual intercourse with Respondent No.2. That the Respondent No.2 accompanied Petitioner at a guest-house at Powai and there also they indulge into intimate acts. Respondent No.2 subsequently realized that, the Petitioner has an affair with another girl and he was intending to marry with the said girl. Respondent No.2 therefore started keeping distance from the Petitioner. However, the Petitioner blackmailed her and therefore due to harassment of Petitioner, Respondent No.2 lodged present crime. Perusal of F.I.R. further indicates that, the relations between the Petitioner and Respondent No.2 were consensual in nature between two adult persons.

5. As noted earlier, the Respondent No.2 has filed affidavit dated 25th April 2023 thereby giving her consent to quash the present crime.

6. In view thereof, we are inclined to quash the said crime i.e. CR No. 94 of 2021, dated 26th March 2021, registered with Sahar Police Station,

Mumbai.

7. As we expressed our opinion for quashing of said CR No. 94 of 2021, dated 26th March 2021, registered with Sahar Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.1,00,000/- (Rs.One Lakh Only) to Central Police Welfare Fund within a period of two weeks. The said statement is accepted as an undertaking given to this Court.

8. We direct the Petitioner to pay a cost of Rs.1,00,000/- (Rs.One Lakh Only) 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.1,00,000/- (Rs.One Lakh Only) within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

10. It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the Investigating Officer shall complete the investigation of the present crime expeditiously.

11. List the Petition on board on 12th June 2023, under caption 'for reporting compliance' of present Order.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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