

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4707 OF 2021

Vikrant Bhardwaj @ Bikranta B. Swain

... Petitioner

V/s.

The State of Maharashtra and Anr.

... Respondents

Mr. Ranjeet Patil for Petitioner.

Mrs. M. M. Deshmukh, APP for Respondent No.1-State.

Mr. Prashant S. Hagare for Respondent No.2.

CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.DATE : 27th JULY, 2023.

PC. :

1. Leave to amend to mention the correct Session Case No. in prayer clause granted. Amendment be carried out forthwith.
2. Petitioner, accused in Sessions Case No.471 of 2022 pending on the file of Additional Session Judge at Vadgoan Maval, Pune, arising out of C.R.No.131 of 2021 registered with Dehuroad Police Station, District Pune, under Sections 376, 420 and 417 read with 34 of Indian Penal Code has filed present Petition under Article 226 of the Constitution of India for quashing of the said case with the consent of Respondent No.2, the informant.

3. Learned Advocate for Petitioner submitted that, Petitioner and Respondent No.2 have settled their disputes and differences and Respondent No.2 has decided to give her no objection for quashing of the said case.

4. Learned Advocate for Respondent No.2 tendered across the bar, her Affidavit dated 8th July 2023, duly affirmed before a Notary Public. It is stated therein that, due to intervention of common friends, family members and well-wishers, Petitioner and Respondent No.2 have amicably settled the matter to focus on their own careers and future. In paragraph No.6 thereof, Respondent No.2 has given her no objection for quashing of the crime in question.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 8th July 2023, and her 'no objection' for quashing of the present case.

5. Perusal of the FIR reveals that, Petitioner and Respondent No.2 came in contact with each other through a website viz. Shaadi.com. Petitioner, by giving promise to marry with Respondent No.2, subsequently established physical relations with her at various places in the vicinity of Pune District. Respondent No.2 got knowledge that, Petitioner is having live-in relationship with one lady by name – Sangeeta for last 12 years. Petitioner thereafter also promised to marry her and agreed to discontinue his relations with Sangeeta. In the month of January 2021, Respondent No.2 got knowledge that Petitioner has married with one women by name -

Snigdha. Thus, Petitioner by giving promise to marry, established physical relations with Respondent No.2 from January 2018 till December 2020. The Respondent No.2 therefore realised that she has been cheated by the Petitioner. In this brief premise, present crime is registered.

Perusal of FIR clearly indicates that relations between Petitioner and Respondent No.2 were consensual in nature between two adult persons and when the Petitioner resiled from his promise to marry, Respondent No.2 lodged the present crime.

6. In view of the above, we are inclined to quash the Sessions Case No.471 of 2022 pending before the Additional Session Judge at Vadgoan Maval Court, Pune, arising out of C.R.No.131 of 2021 registered with Dehuroad Police Station, District Pune

7. As we expressed our opinion for quashing of said Sessions Case No.471 of 2022, learned Advocate for Petitioner on instructions submitted that, Petitioner will pay a cost of Rs.2,50,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai - 400 012 within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

8. We direct the Petitioner to pay a cost of Rs.2,50,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai - 400 012, 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 :- Central Bank of India
Branch Name :- TMH, Parel, Mumbai-400 012
Account Name :- Tata Memorial Centre
(Tata Memorial Hospital)
Account Number :- 1002449683
IFSC Code :- CBIN0284241

Petitioner to deposit the said cost of Rs.2,50,000/- within stipulated period as noted above and submit the 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 (B).

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 Trial Court will proceed with Sessions Case No.471 of 2022 expeditiously.

11. List the Petition on 24th August 2023 under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)