

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION (APL) NO. 576 OF 2020**

Mithun Chotu Chavan

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Priyal G. Sarda for the Applicant.

Ms. G.P. Mulekar APP, for the Respondent-State.

Mr. Ranjeet H. Patil for the Respondent No.2.

**CORAM : A. S. GADKARI AND  
PRAKASH D. NAIK, JJ.**

**DATE : 27<sup>th</sup> APRIL, 2023.**

**PC.:-**

1) Applicant, original accused in C.R. No.694 of 2020 dated 1<sup>st</sup> October, 2020 registered with Barshi City Police Station, District Solapur (Rural) under Sections 376, 376(2)(n), 376(2), 376(2)(f) of the Indian Penal Code has prayed for quashing of R.C.C. No.200 of 2021 pending on the file of learned J.M.F.C., Barshi arising out of the said C.R. No.94 of 2020.

2) It is the prosecution case that, Applicant was brother-in-law of the sister of Respondent No.2. The relatives of both of them decided to perform their marriage. Applicant took undue advantage of the said fact situation and established physical relations with the Respondent No.2. The Respondent No.2 subsequently realized that, seven months prior to the date of lodgment of crime, the Applicant was already married and thus by giving false promise of marriage, he committed the offence as contemplated under

Section 376 of the Indian Penal Code against Respondent No.2.

3) After completion of investigation, the police have submitted charge-sheet in the Court of J.M.F.C., Barshi and same has been numbered as R.C.C. No.200 of 2021.

4) It is to be noted here that, on the earlier date of hearing i.e. on 19<sup>th</sup> April, 2023, Mr. Patil learned Advocate for the Respondent No.2 had pointed out an Affidavit dated 21<sup>st</sup> November, 2022 on record, affirmed by Respondent No.2, however we had directed him to file fresh Affidavit of Respondent No.2. He on instructions submitted before us that, the Respondent No.2 was due for delivery and is unable to attend this Court today. We had permitted the absence of Respondent No.2 and had directed to file her fresh Affidavit.

Accordingly Respondent No.2 has filed an Affidavit dated 24<sup>th</sup> April, 2023, duly affirmed before the Assistant Superintendent, District Court, Osmanabad. Her signature has been identified by Advocate Mr. N.B. Pathan of Osmanabad. Advocate Mr. N.B. Pathan has also given a Certificate that, the contents of the said Affidavit are explained to the Respondent No.2 in Marathi language.

In paragraph Nos.4 and 5 of the said Affidavit, Respondent No.2 has stated that, she has performed marriage and is enjoying her marital life. That, the near relatives of both the families intervened and due to their mediation, Applicant and Respondent No.2 have decided not to

interfere in each other's future life. That, due to pendency of the present case, married life of Respondent No.2 is getting disturbed and for the betterment of her future married life, she wants to withdraw present case. Respondent No.2 has given her 'no objection' for quashing of said R.C.C. No.200 of 2021 pending on the file of learned J.M.F.C., Barshi arising out of C.R. No.694 of 2020 dated 1<sup>st</sup> October, 2020 registered with Barshi City Police Station, District Solapur (Rural).

5) In view of the above, we are inclined to quash R.C.C. No.200 of 2021 pending on the file of learned J.M.F.C., Barshi arising out of C.R. No.694 of 2020 dated 1<sup>st</sup> October, 2020 registered with Barshi City Police Station, District Solapur (Rural).

As we expressed our opinion for quashing of said R.C.C. No.200 of 2021 pending on the file of learned J.M.F.C., Barshi, learned Advocates for the Applicant submitted that, the Applicant will pay a cost of Rs.25,000/- to the Central Police Welfare Fund within a period of two weeks. The said statement is accepted as an undertaking given to this Court.

6) We direct the Applicant to pay a cost of Rs.25,000/- 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.25,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

7) In view of above, 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 trial Court will proceed with the said R.C.C. No.200 of 2021 expeditiously.

9) List the Application on 16<sup>th</sup> June, 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.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV  
SHARNAPPA  
MASHALKAR

Digitally signed  
by SANJIV  
SHARNAPPA  
MASHALKAR  
Date: 2023.05.08  
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