

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

CRIMINAL WRIT PETITION NO.2641 OF 2022

Tarun Pratapmal Lohar	Petitioner
versus	
The State of Maharashtra and another	Respondents

Adv.Sana Raees Khan with Adv.Amey Shivalkar, Advocates for Petitioner.

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

Adv.Sadanand D. Desai, Advocate for Respondent no.2.

PSI Tanaji Adsule, Nayanagar Police Station, Mira Bhyandar, present.

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

DATE : 27th March 2023

PC :

1. By the present Petition under Article 226 of the Constitution of India the Petitioner/Accused in C.R No.587 of 2021 dated 18th October 2021 registered with Nayanagar Police Station, Mira Bhyandar, District Thane, for offences under Sections 376(2)(n), 420, 506 of IPC has prayed for quashing of said crime by consent of Respondent no.2, victim/informant.

2. Heard learned Advocate for Petitioner and Respondent no.2. Perused the record produced before us.

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3. Record indicates that Respondent no.2 has lodged present crime against Petitioner alleging that by extending promise of marriage Petitioner without her will established forcible physical relations with her. Petitioner by extending threats induced Respondent no.2 to part with an amount of Rs.4,39,000/- in total. That, Petitioner subsequently resiled from his promise to marry and therefore committed an offence u/s.376(2)(n), 420 and 506 of IPC.

4. Respondent no.2 on advise of her advocate has filed three Affidavits dated 21st June 2022, 29th August 2022 and 10th December 2022 respectively. In all the three Affidavits Respondent no.1 has admitted that due to intervention of their common friends, family and well wishers, Petitioner and Respondent no.2 themselves have settled the matter amicably, so they can focus on their future career. Respondent no.2 in unequivocal terms has confirmed that, she is not desirous of prosecuting present crime further against Petitioner and she is consenting for quashing of said crime i.e. FIR No.587 of 2021 registered with Nayanagar Police Station.

5. Respondent no.2 is present in the Court and through her advocate reiterated the contents in the said three Affidavits so also her consent for quashing of said crime.

6. Record indicates that at the time of lodgment of crime, Respondent no.2 was major and perusal of FIR indicates that after

relations between Petitioner and Respondent no.2 got soured, present crime has been registered. As Respondent no.2 has now consented for quashing of said crime with her free will and without any duress or coercion, we are inclined to quash the crime in question.

7. As we are inclined to quash Crime No.587 of 2021 and charge sheet, culminated into Sessions Case No.3487 of 2021 pending on the file of Additional Sessions Judge, Thane, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- to Central Police Welfare Fund within a period of two weeks from today. Said statement is accepted as an undertaking given to this Court.

We direct the Petitioner to pay cost of Rs.25,000/- to the Central Police Welfare Fund, Director General of Police, Maharashtra State, Mumbai within a period of two weeks from the date of uploading of the Order on the Website of High Court. The details of bank account for payment of cost are as follows:-

Bank Name	:	Axis Bank Limited
Branch Name	:	Worli, Mumbai (M.H), Mumbai-400025
Account Name	:	Central Police Welfare Fund
Account Number	:	914010029005759
IFSC Code	:	UTIB0000060

8. In view of the above, C.R No.587 of 2021 registered with Nayanagar Police Station, Mira Bhyander, District Thane, which has

culminated into filing of charge sheet and now numbered as Sessions Case No.3487 of 2021 pending on the file of Additional Sessions Judge, Thane, is quashed.

9. It is made clear that if Petitioner fails to deposit said amount within the stipulated period in the account of Central Police Welfare Fund, the Petition will stand revived and in that case the trial will proceed.

10. Stand over to 24th April 2023.

To be listed on board under the caption “for reporting compliance’.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST