

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2425 OF 2023**

Ganesh Gautam Kiratkar

... Petitioner

V/s.

The State Of Maharashtra And Anr.

... Respondents

Mr. Vinod S. Chate a/w Ms. Kalpana V. Chate i/b Chate & Associates for
Petitioner.

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

Mr. Ranjeet Patil for Respondent No.2.

Mr. Navnath Sul, API, Sanpada Police Station, Mumbai is present.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 18th JULY, 2023.

PC. :

1. Petitioner, accused in Sessions Case No.837 of 2023 pending on the file of learned Additional Sessions Judge, Belapur, Navi Mumbai, arising out of C.R. No. I-34 of 2023 registered with Turbhe/Sanpada Police Station, Navi Mumbai, under Section 376, 323, 506 of the Indian Penal Code, has filed present Petition under Article 226 of the Constitution of India, for quashing of the said crime with consent of Respondent No.2, the victim.

2. Learned Advocate for Petitioner submitted that, Petitioner and Respondent No.2 have settled their dispute and differences and Respondent No.2 has agreed to give her consent for quashing of the crime in question. He submitted that, perusal of FIR would indicate that, relations between

Petitioner and Respondent No.2 were consensual in nature. He therefore prayed that, the said case may be quashed with consent of Respondent No.2.

3. Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 18th July, 2023 duly affirmed before Assistant Registrar of this Court. In para No.3 thereof, she has given her no objection for quashing of Sessions Case No. 837 of 2023 arising out of C.R. No. I-34 of 2023 registered with Turbhe/Sanpada Police Station, Navi Mumbai. In para No.4 thereof, it is stated that, she has filed the said Affidavit on her own free will without any fear or pressure or undue influence. That, she has resolved the disputes with the Petitioner and therefore she is giving her consent for quashing of the said crime.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 18th July, 2023 and her “no-objection” for quashing of the crime in question.

4. Perusal of FIR indicates that, on the date of lodgment of crime the Respondent No.2 was aged about 32 years. Respondent No.2 is a married woman and the Petitioner is also a married person. Petitioner by giving false promise to marry with Respondent No.2 established physical relations with her. That, the Petitioner also demanded a sum of Rs.25,00,000/- from Respondent No.2 for repayment of his loan installment. After their relations were strained the Respondent No.2 has lodged present crime.

Perusal of record indicates that, the relations between Petitioner and Respondent No.2 were consensual in nature.

5. In view thereof, we are inclined to quash the said Sessions Case No.837 of 2023 pending on the file of learned Additional Sessions Judge, Belapur, Navi Mumbai, arising out of C.R. No. I-34 of 2023 registered with Turbhe/Sanpada Police Station, Navi Mumbai.

6. As we expressed our opinion for quashing of said Sessions Case No.837 of 2023 pending on the file of learned Additional Sessions Judge, Belapur, Navi Mumbai, arising out of C.R. No. I-34 of 2023 registered with Turbhe/Sanpada Police Station, Navi Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.2,00,000/- 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 Order. The said statement is accepted as an undertaking given to this Court.

7. We direct the Petitioner to pay a cost of Rs.2,00,000/- 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 present Order on the official website of Bombay High Court.

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.2,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

9. 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 the said Sessions Case No.837 of 2023 expeditiously.

10. List the Petition on board on 18th August 2023, under caption 'for reporting compliance' of present Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

CHAITANYA
ASHOK
JADHAV

Digitally signed
by CHAITANYA
ASHOK
JADHAV
Date:
2023.07.27
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