

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2390 OF 2023**

Amardip Babaso Dhanawade

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Sanjeev Kadam a/w Mr.Vinod S. Chate a/w Ms.Kalpna Chate i/b Chate
& Associates, for the Petitioner.

Mr.S.S. Hulke, APP for Respondent-State.

Mr.Sachin Chandan, for Respondent No.2.

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

DATE : 17th JULY, 2023.

PC. :

1. Petitioner, original Accused in Sessions Case No.498 of 2021 pending on the file of the learned Additional Sessions Judge, Greater Mumbai, arising out of the C.R. No.345 of 2020 registered with Wadala Police Station, under Sections 376, 420, 312, 325, 494, 354, 495, 323, 504 and 506 of the 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.

2. Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have settled the dispute amicably and the

Respondent No.2 has given her 'no objection' for quashing of the crime in question.

3. Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 17th July 2023 duly affirmed before the Assistant Registrar of this Court. It is stated therein that, with the help and intervention of common friend and family members as well as, well wishers, the Respondent No.2 and Petitioner have decided to settle their matter amicably and to focus on their individual carrers and future. In paragraph No.5 she has given her consent for quashing of the present proceedings pending on the file of the Sessions Judge, Greater Mumbai without any duress and coercion.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 17th July 2023 and her 'no objection' for quashing of the Crime in question.

4. Perusal of the FIR indicates that, the Petitioner and Respondent No.2 got acquainted with each other on Facebook. Their acquaintance was initially ensued in friendship which was subsequently blossomed into a love affair. That, by extending promise to marry with Respondent No.2, the Petitioner established physical relations with her against her wish. The said relations continued from September 2019 till about June 2020. It is alleged that, in December 2019, the Respondent No.2 got pregnant from the Petitioner, however, at the insistence of the Petitioner, she performed medical termination of pregnancy. After June 2020, Respondent No.2 came

This order is corrected as per speaking to the minutes of order dated 31st July 2023

to know that the Petitioner was already married and pretending that, he is unmarried, established physical relation with her. Subsequently, their relations got soured and thereafter the Respondent No.2 has filed present crime. First Information Report thus indicates that, the relations between the Respondent No.2 and Petitioner were consensual relations between two adult persons. The Respondent No.2 was aged about 29 years on the date of lodgment of Crime.

5. In view of the above, we are inclined to quash Sessions Case 498 of 2021 pending on the file of the learned Additional Sessions Judge, Greater Mumbai, arising out of the C.R. No.345 of 2020 registered with Wadala Police Station, Mumbai.

6. As we expressed our opinion for quashing of said Sessions Case 498 of 2021 pending on the file of the learned Additional Sessions Judge, Greater Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.1,00,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

We direct the Petitioner to pay a cost of Rs.1,00,000/- 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 :-

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

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

8. 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 the event, the Sessions Court will proceed with the said Sessions Case No.498 of 2021 expeditiously.

9. List the Petition on 31st July 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.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)