

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 898 OF 2023**

Nilesh Pandit Gaikwad .. Applicant
V/s.
Senior Police Inspector and Ors. .. Respondents

Mr. Nadeem M.S.Shaikh for Applicant.
Mr. S.S.Hulke, APP for Respondent-State.
Mr. Mateen Shaikh for Respondent No.3.

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

DATE : 31 JULY 2023.

P C. :

1. Applicant, accused in Sessions Case No. 154 of 2023 pending on the file of learned Additional Sessions Judge, Thane arising out of C.R.No. I/483/2022 registered with Bhiwandi City Police Station, District Thane under Sections 376 and 323 of IPC has filed present application under Section 482 of Cr.P.C. for quashing of the said case with the consent of Respondent No.2, the informant.
2. Learned Advocate for Applicant submitted that, Applicant and Respondent No.2 have settled their disputes amicably and the Respondent No.2 has given her no objection for quashing of the said case.
3. Respondent No.2 has filed her Affidavit dated 13.07.2023, duly affirmed before the Assistant Registrar of this

Court. It is stated therein that, she has resolved the disputes amicably with the Applicant and she no more intends to proceed with the case registered on the basis of F.I.R. She has given her free consent without influence and pressure of any person for quashing of the said case.

Respondent No.2 is personally present in Court and through her Advocate reiterates the contents of her Affidavit dated 13.07.2023 and her 'no objection' for quashing of the crime in question.

4. Perusal of FIR lodged by Respondent No.2 indicates that, the Respondent No.2 was a widow having three children from her marriage. She got acquainted with Applicant at village Pimplas, Tal-Bhiwandi, District Thane. Applicant by giving promise to marry, established physical relations with her. Applicant also told Respondent No.2 that, he will give divorce to his wife and will perform marriage with her. Their said relation continued from 2019 till November-2022. On 22.11.2022, when Respondent No.2 asked Applicant about their marriage, it is alleged that, Applicant assaulted her with fist blows and refused to marry.

Perusal of FIR indicates that, the relations between the Applicant and Respondent No.2 were consensual in nature and when the Applicant resiled from promise to marry, out of anger and frustration Respondent No.2 has lodged the present crime.

5. In view of the above, we are inclined to quash the Sessions Case No. 154 of 2023 pending before the Additional Sessions Judge, Thane arising out of C.R.No. I/483/2022 registered with Bhiwandi City Police Station, District Thane.

6. As we expressed our opinion for quashing of said Sessions Case No. 154 of 2023, learned Advocate for Applicant on instructions submitted that, Applicant will pay a cost of Rs.1,00,000/- 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.

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

Applicant to deposit the said cost of Rs.1,00,000/- within the stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

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

9. It is made clear that, if the Applicant fails to deposit the said cost within stipulated period as mentioned above, this Application shall automatically revived and in that event, the investigating agency will complete the investigation of the crime in question expeditiously.

10. List the Application on 25th August 2023 under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

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