

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

CRIMINAL WRIT PETITION No. 2908 OF 2023

Rahul Manohar Bhatkar

....Petitioner

Vs.

State of Maharashtra and Anr.

....Respondents

Mr. Khushwood Akhtar i/by Saeed Akhtar for Petitioner

Ms. M.M. Deshmukh, APP for the State

Mr. Sahil Salvi a/w. Narendra Kalpoth for Respondent No.2

Mr. B.V. Gaonkar, PSI Amboli Police Station, Mumbai is present.

Respondent No.2 is present in person

**CORAM : NITIN W. SAMBRE &
 RAJESH S. PATIL, JJ**

DATED : 25th AUGUST, 2023

P.C.:

1. Respondent No.2- Complainant while working in the Momentum Experiences and Events LLP Company, of which the Petitioner was one of the Senior Executive, suffered the sexual assault resulting into registration of an offence punishable under Section 354, 354(a), 354(d) and 509 of the IPC.

2. The aforesaid event has led to the registration of an offence being Crime No. 131 of 2023 on 27th February, 2023, in which the Petitioner is already charge-sheeted.

3. The Petitioner and Respondent No.2- Complainant since the

employees of the very same establishment, an internal committee was formed so as to resolve the grievance of Respondent No.2-Complainant. During the meetings of such committee, the Petitioner and Respondent No.2 had reached to an amicable settlement and Respondent No.2 is adequately compensated by the Petitioner pursuant to the order passed by the said Committee, which has led to Respondent No.2 placing on record the consent affidavit during the course of hearing of the petition. The consent affidavit is taken on record.

4. Respondent No.2 is physically present in the Court. She is identified by her lawyer. She is made to interact with learned APP Ms. Deshmukh so as to verify the contents of the consent affidavit tendered during the course of hearing. Respondent No.2, who is identified by her counsel through her Aadharcard, has admitted the contents of the affidavit and has stated that she is willingly extending consent for quashing of not only the offence but also the charge-sheet against the Petitioner.

5. As the Respondent No.2 has voluntarily and willingly consented for quashing of the offence against the Petitioner, no purpose will be served in keeping the present proceedings pending. Having regard to law laid down by the Apex Court in the matter of *Gian Singh vs. State of Punjab and Another* reported in *(2012) 10 SCC 303* and *Narinder Singh & Ors. Vs State*

of Punjab & Anr. reported in *(2014) 6 SCC 129*, we deem it appropriate to allow the present proceedings in terms of prayer clause (a) subject to payment of cost of Rs.50,000/- by the Petitioner.

6. The cost shall be paid to the Janseva Foundation to be deposited in the Bank of Maharashtra Account No.20076764639, IFSC Code MAHB0000102, within four weeks from the date of receipt of the order and a receipt to that effect be placed on record within a week thereafter, failing which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Petitioner in accordance with law.

7. Writ Petition is disposed of in the aforesaid terms.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)