

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

CRIMINAL WRIT PETITION NO.3900 OF 2022

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Shailendra Sham Solomon

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. P Toshnival a/w Harshad Patil, for the Petitioner.

Mrs. M. M. Deshmukh, APP for the Respondent/State.

Mr. Gaurav Mankar, for the Respondent No.2.

Mr. Kedar, API, Parksite Police Station – present.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.**

DATE : 7th OCTOBER, 2023

PC.

1. In view of no objection extended by the respondent No.2/complainant thereby questioning charge-sheet, leave to amend so as to question the charge-sheet.

2. Amendment to be carried forthwith.

3. The petitioner came to be charge-sheeted in Crime No.239 of 2022 registered on 30th April, 2022 for an offence punishable under Sections 376, 323, 504, 506 of IPC. The alleged offence claimed to have committed between January 2019 and 3rd April, 2022.

4. The victim, a divorcee, while working under the supervision of petitioner, claimed to have sexually exploited her under the false promise of marriage. The respondent No.2/complainant has placed on record an affidavit extending consent. She has stated that Petitioner has expressed his regret for damaging her phone instrument and other articles. She has further stated that said damage is undone by the Petitioner.

5. In this background, counsel for the respondent No.2/complainant submits that respondent No.2/complainant has no objection for quashing the offence against the petitioner as their relationship was consensual and being a divorcee, she intends to move ahead in life.

6. The respondent No.2/complainant, who is present in the Court is duly identified by her lawyer. In response to the Court's query, learned APP Mrs. M. M. Deshmukh has interacted with the respondent No.2/complainant and states that the respondent No.2/complainant is voluntarily giving consent out of her own free will for quashing.

7. In the aforesaid background, no purpose will be served in keeping the present proceedings pending, particularly, when the perusal of the FIR and series of events mentioned therein and consent affidavit placed on record depict that relationship was consensual, so also, in view of support drawn from the judgment of

Apex Court delivered in ***Shambhu Karwar Vs. State of Uttar Pradesh & Anr.*** reported in ***AIR 2022 SC 3901***, we deem it appropriate to allow the petition. That being so, the present petition stands allowed in terms of prayer clause (a).

8. The petitioner shall pay cost of Rs.25,000/- to Janseva Foundation (*Bank Name: Bank of Maharashtra, A/C No.20076764639, IFSC Code: MAHB0000102*) within six weeks and receipt of payment of cost be produced with the Registry within same period, failing which the order of quashing the criminal proceedings against the petitioner shall stand recalled and this Court will be constrained to proceed against the petitioner in accordance with law.

9. The petition as such stands disposed of.

[N. R. BORKAR, J.]

[NITIN W. SAMBRE, J.]