

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3790 OF 2023**

Uddesh Naresh Patil ... Petitioner
Versus
The State of Maharashtra and anr. ... Respondents

Mr. Sachin Pawar for the Petitioner.
Mr. Y. Y. Dabake, APP for the State.
Mr. Rohan Kaiche for Respondent No. 2/Complainant.

**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 1 DECEMBER 2023

P.C. :-

Leave to amend the prayer clause. Amendment shall be carried out forthwith.

2. The petitioner is charge-sheeted for the offence under Sections 376(2)(N), 417, 506 of the Indian Penal Code. The proceedings are pending before the Sessions Judge, Raigad - Alibag in Sessions Case No. 41 of 2023.

3. The First Information Report was registered at the instance of respondent No. 2 on 11 May 2023. It is alleged that the complainant was acquainted with the accused. There was physical relationship between them. The accused induced the

complainant to maintain physical relationship under coercion.

4. The complainant had approached the police and lodged the FIR. After completion of investigation, charge-sheet was filed.

5. The petitioner/accused and the respondent No. 2/complainant are present in the Court.

6. The complainant has stated that she has no objection for quashing the impugned proceedings. The complainant has executed the affidavit dated 1 December 2023 stating that there was love affair between her and the petitioner/accused before her marriage, which continued even after her marriage. The affidavit is taken on record. There was mutual and consensual physical and love relationship between them. She has no objection, if the proceedings in respect of Crime No. 86 of 2023 are quashed and set aside.

7. Learned Advocate for the petitioner and respondent No. 2 submitted that on account of amicable settlement between the parties and since the complainant is not interested in pursuing the proceedings, by consent of the complainant, the impugned proceedings may be quashed.

8. We have perused the First Information Report. It is apparent from the FIR that the accused and the complainant were acquainted with each other. There was physical relationship between them. It appears that the relationship is of consensual nature. Considering the facts and circumstances, the relief sought in this petition can be granted.

ORDER

- (i) Writ Petition No. 3790 of 2023 is allowed.
- (ii) The proceedings pending before the Sessions Judge, Raigad - Alibag in Sessions Case No. 41 of 2023 are quashed and set aside.
- (iii) The petitioner shall pay cost of Rs. 25,000/- to the Central Police Welfare Fund, Director General of Police, Maharashtra State, Mumbai.
- (iv) The details of the bank account for payment of cost are as under :

Bank Name	:	Axis Bank Ltd.
Branch Name	:	Worli, Mumbai [MH], Mumbai - 400 025.
Account Name	:	Central Police Welfare Fund
Account No.	:	914010029005759
IFSC Code	:	UTIB0000060

(v) Petitioner to deposit the said cost of Rs.25,000/- within a period of two weeks from today and submit the receipt of the same in the Registry of this Court.

(vi) It is made clear that, if the Petitioner fails to deposit the said cost within stipulated period, the present Petition shall stands automatically revived and in that event, the Investigating Agency is at liberty to proceed with the said crime expeditiously.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)