

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

**CR. WRIT PETITION NO. 2665 OF 2023**

Shoaib Suleman Memon @ Shoaib  
Suleman Khan  
V/S

....PETITIONER

The State Of Maharashtra & Anr

....RESPONDENTS

Mr. Milan Desai I/b Mr. T. R. Patel for the Petitioner.  
Ms M. M. Deshmukh, APP for the Respondent-State.  
Mr. Fahim Shaikh for the Respondent No.2

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

**DATED : 24<sup>th</sup> AUGUST, 2023**

**P.C.:**

1. The prayer is for quashing of FIR in Crime No. 141 of 2023 for the offence punishable u/s. 376 and 507 of IPC.
2. The Respondent No. 2/victim is a married lady. The allegations are of sexual exploitation by misrepresentation.
3. The Respondent/Complainant has placed on record the Affidavit sworn on 28/07/2023 before the Assistant Registrar, High Court, Appellate Side.
4. The Respondent/Complainant has stated that she has decided to extend consent for quashing of the FIR having regard to her marital status as she has her matrimonial duties to look

after her family and pendency of the present proceedings are creating certain issues in her family.

5. Apart from above, she has decided to bring home an end to the difference between her and the Petitioner.

6. In this background, we have requested learned APP, Ms Deshmukh to interact with the Respondent/Complainant so as to verify the contents of the Affidavit. The Respondent/Complainant has stated that though the Affidavit is drafted in English language, the contents therein are explained to her in vernacular i.e. Hindi language.

7. She has further expressed that she has consented for quashing voluntarily without there being any coercion or pressure.

8. In that view of the matter and having regard to the 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 466*** no purpose will be served by keeping the present proceedings pending against the Petitioner.

9. **That being so, the Petition is allowed in terms of prayer clause (c) subject to payment of cost of Rs.50,000/- to be paid by the Petitioner to Central Police Welfare Fund**

**in any case by 31/10/2023.**

10. The Petitioner shall produce the copy of the receipt of payment of aforementioned cost in the Registry within a period of four weeks from today, failing which the order of quashing the proceedings shall stand recalled.

**(RAJESH S. PATIL, J)**

**(NITIN W. SAMBRE, J.)**