

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

CRIMINAL WRIT PETITION NO.3978 OF 2021

Saif Kasim Sayyed

Petitioner

versus

The State of Maharashtra and another

Respondents

Mr.Milan Desai i/by T.R.Patel, Advocate for Petitioner.

Ms.Asha Joshi, Advocate for Respondent no.2.

Ms.G.P.Mulekar, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 17th April 2023

PC :

1. By the present Petition, the Petitioner, original accused in C.R No.798 of 2021 registered with MIDC Police Station, Mumbai, under Sections 376, 376(2)(n), 417 of IPC, has prayed for quashing of said crime by the consent of Respondent no.2, the victim.

2. Mr.Desai, learned counsel appearing for Petitioner submitted that, the Petitioner and Respondent no.2 was having a love affair. That, the alleged act as contemplated u/s.376 of IPC was a consensual act between two adult persons. He submitted that, Respondent no.2 has filed an Affidavit dated 21st December 2021 giving her no objection for quashing of said crime.

3. Advocate Ms.Joshi appearing for Respondent no.2 submitted that, the Respondent no.2 has conceded the fact of filing of an Affidavit dated 21st February 2021, thereby giving her consent to quash said FIR in paragraph nos.7 and 8 of said Affidavit. She submitted that she has identified the signature of Respondent no.2 in the said Affidavit.

4. Perusal of FIR indicates that Petitioner and Respondent no.2 earlier were friends. That, their friendship was blossomed into love affair and during the period from December 2020 till August 2021, Petitioner established physical relations by giving promise to marry with Respondent no.2. Subsequently their relations got soured and thereafter Respondent no.2 has filed present crime.

Perusal of Affidavit of Respondent no.2 dated 21st December 2021 indicates that lodgment of present crime was a product of misunderstanding and miscommunication between Petitioner and Respondent no.2. That, they have resolved their issues amicably and decided to bring an end to the proceedings initiated by Respondent no.2. That, they intend to live their respective lives peacefully and happily hereinafter.

Respondent no.2 is personally present in the Court and through her Advocate gave her 'no objection' for quashing present crime.

5. In view thereof, Petition is allowed in terms of prayer clause
(a).

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST