

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.1333 OF 2021**

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Rajendra Harmath Singh

...Applicant

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr.Shailesh S.Kharat i/b Mr.Sudhakar Mishra, for the Applicant.

Mrs.G.P. Mulekar, APP for the Respondent-State.

Mr.Ashish Raghuvanshi i/b Mr.Ram Ugrah Singh, for Respondent No.3.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 6th JUNE 2023.

PC. :

1. Applicant-Original Accused in C.R. No.707 of 2020 dated 4th August 2020 registered with Andheri Police Station, Mumbai under Section 420,376, 504 and 506 of the Indian Penal Code, culminated into Sessions case No.773 of 2021 and pending on the file of the learned Additional Session Judge, Dindoshi, Borivali, Mumbai, has prayed for quashing of the said crime with the consent of Respondent No.3, the victim.

2. Learned Advocate for the Applicant submitted that, Respondent No.3 was aged about 51 years on the date of the lodgement of the present crime. That the relations between

Applicant and Respondent No.3 were consensual in nature, between two adult persons. He submitted that, Applicant and Respondent No.2 have now settled the issue amicably and Respondent No.3 is consenting for quashing of the present Crime in question.

3. Learned Advocate for Respondent No.3 tendered across the bar an affidavit of Respondent No.3 dated 16th November 2022 duly affirmed before the Assistant Registrar of this Court. In her affidavit Respondent No.3 has stated that, due to misunderstanding and out of rage she has lodged present crime against the Applicant. That, to put quietus to the matter she has no objection for quashing of the FIR in question and, she is making said statement without coercion, force or threat from anybody.

4. Perusal of FIR indicates that Respondent No.2 came in contact with the Applicant as both of them were working for a political party. That the Respondent No.2 also advanced certain amounts to the Applicant on his demand. When the Respondent No.2 was staying at hotel at Andheri (East), the Applicant had been there and on the pretext of the handing over the possession of the residential premises to the Respondent No.3, established physical relations with her. When the Applicant refused to return the amount advanced by Respondent No.3 and pressurized her for advancing further amounts, altercations took place between them and

thereafter the Respondent No.3 lodged present crime.

5. Perusal of FIR reveals that the relation between Applicant and Respondent No.3 were consensual in nature between two adult persons. Respondent No.3 is personally present in the Court and through her Advocate reiterated contents of her affidavit dated 16th November 2022 and her 'no objection' in quashing the crime in question.

6. In view of the above, we are inclined to quash Sessions Case No.773 of 2021 pending on the file of the learned Additional Sessions Judge, Dindoshi, Mumbai arising out of the C.R. No.707 of 2020 registered with Andheri Police Station, Mumbai.

7. As we expressed our opinion for quashing of said Sessions Case No.773 of 2021 pending on the file of the learned Additional Sessions Judge, Dindoshi, Mumbai, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.50,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

We direct the Applicant to pay a cost of Rs.50,000/- to Central Police Welfare Fund within a period of three weeks from the date of uploading of the present Order on the official website of Bombay High Court.

The details of the bank Account for payment of cost are as under :-

Bank Name :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

Applicant to deposit the said cost of Rs.50,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

8. In view of above, and subject to payment of cost, Application is allowed in terms of prayer clause (a).

9. It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Application shall stand revived automatically and in the event, the Sessions Court will proceed with the said Sessions Case No.773 of 2021 expeditiously.

10. List the Application on 27th June 2023 under caption 'for reporting compliance' of present Order.

11. All the concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)