

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

CRIMINAL WRIT PETITION NO. 3556 OF 2017

Sunil Chaturbhai Patel

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Karan Mehta a/w Vinay Bhanushali a/w Mr. Harshad Joshi a/w Mr. Sanmit Vaze, Advocate for Petitioner.

Mr. Shailesh Chavan, Advocate for Respondent No.2.

Ms. M.M. Deshmukh, APP for the Respondent–State.

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

DATE : 29th MARCH, 2023.

P.C. :-

1. Petitioner has preferred this Petition for quashing the Criminal proceedings in Sessions Case No.172 of 2015 pending in the Court of Sessions at Mumbai which are arising out of First Information Report No.99 of 2014 (for short 'FIR') registered with Gamdevi Police Station at the behest of Respondent No.2 for offences under Sections 376, 418, 380, 107, 504 and 506 of Indian Penal Code (for short 'IPC').

2. The learned Advocate appearing for both sides submitted that, the impugned proceedings can be quashed with the consent of Respondent No.2 in view of settlement between the parties.

Initially the Respondent No.2 had filed affidavit dated 16th February, 2018 stating that, she is withdrawing all the allegations against Petitioner and his family members and have no grievances of whatsoever nature against them. Deed of settlement dated 16th February, 2018 was executed between them. The Respondent No.2 is not interested in continuing the criminal prosecution against the accused in the said proceedings. The Petition may be allowed and criminal proceedings be quashed and set aside. The copy of deed of settlement has been annexed to the aforesaid affidavit. Consent terms were also executed between Petitioner and Respondent No.2 on 16th February, 2018 which were also annexed to the said affidavit. Since the Petition had remained pending in this Court, the Respondent No.2 has filed a fresh affidavit dated 29th March, 2023 stating that, she is withdrawing all the allegations against Petitioner and his family members and have no grievances of whatsoever nature against them. The issues between them are settled voluntarily, equitably and amicably. The Petition may be allowed and criminal proceedings in Sessions Case No.172 of 2015 arising out of C.R. No.99 of 2014 may be quashed. The affidavit is taken on record.

3. The Respondent No.2 is present in the Court. She has confirmed and reiterated contents of affidavit/consent terms/settlement deed and stated that, she has no objection for quashing the impugned proceedings.

4. On perusal of FIR dated 6th June, 2014 it can be deciphered that, *prima facie* relationship was of consensual nature. Since the complainant has settled her differences with Petitioner and consented for quashing the proceedings, there is no impediment in allowing this Petition.

5. Since the proceedings are quashed by consent of complainant, the Petitioner had agreed to pay the cost of Rs.25,000/- to the Central Police Welfare Fund. The cost would be deposited into the account as below :-

Bank Name	: Axis Bank Ltd.
Branch Name	: Worli, Mumbai – 400 025
Account Name	: Central Police Welfare Fund
Account No.	: 9140100290055759
IFSC Code	: UTIB0000060

ORDER

- i. Criminal Writ Petition No.3556 of 2017 is allowed.

- ii. Proceedings in Sessions Case No.172 of 2015 pending in the Court of Sessions at Mumbai arising out of C.R. No.99 of 2014 registered with Gamdevi Police Station, Mumbai are quashed and set aside.
- iii. Petitioner shall deposit the cost of Rs.25,000/- as stated above within a period of two weeks from the date of uploading this order.
- iv. Report of compliance of deposit of cost be communicated to the Registry of this Court within two weeks of compliance.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]