

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1117 OF 2023

Ujwala W/o Santosh Bhosale And Ors

...Applicants

Versus

State Of Maharashtra And Anr

...Respondents

Mr. Abhishek Kulkarni Advocate for Applicants.

Mr. Sagar Wakale for Respondent No.2.

Mrs. M. M. Deshmukh, APP for Respondent-State.

Mrs. Shabana Shaikh, Complainant/Respondent No.2 is present.

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

DATE : 11th DECEMBER 2023

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P.C.:-

1. The prayer is for quashing of FIR No. 362 of 2022 registered with Warje Malwadi Police Station punishable under Sections 384, 385, 386, 387, 388 read with 34 of the Indian Penal Code, 1860.
2. The genesis of the offence is based on the threat of extortion and amount extorted by the applicants from the respondent No.2/complainant by threatening false implication of her son in an offence of sexual exploitation.
3. The respondent No.2/complainant has placed on record an affidavit thereby extending consent, as the applicants have already handed over Demand Drafts (four in number details of which are mentioned in

Corrected version of order dated 11.12.2023 pursuant to speaking to minutes of order dated 19.12.2023.

Dnyaneshwar Ethape, P.A.

paragraph 4 of the consent affidavit).

4. The complainant was present in the Court on 31st October 2023. Learned APP interacted with her and it was informed that the applicants had extorted the amount of Rs.3,00,000/- from her. Hearing of the petition was deferred and the applicants were directed to pay additional amount of Rs.1,50,000/- to the complainant so as to cover monetary loss and suffering caused to her.

5. Respondent No.2 has filed affidavit dated 26th September 2023 stating that amicable settlement took place with applicants. Matter is settled between them. She has agreed to receive the amount of Rs.2,00,000/- from the applicants by way of settlement. The applicants have agreed to pay Rs.2,00,000/- by way of Demand Drafts. She has accepted Demand Drafts for an amount of Rs.2,00,000/- from the applicants. The dispute between applicants and first informant have been resolved and both the parties have settled the matter amicably. Hence, the Crime No. 362 of 2022 registered with Warje Malwadi Police Station be quashed and set aside.

6. Vide aforesaid order, the applicants were directed to pay additional amount of Rs.1,50,000/-. Three Demand Drafts of Rs.50,000/- each has been handed over to the complainant, who is present in the Court. Thus, the order dated 31st October 2023 has been complied.

7. The Applicants had agreed to pay the cost of Rs.50,000/- to the Central Police Welfare Fund. The cost shall 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

8. Learned APP objected for allowing the relief prayed in this petition on account of nature of allegations.

9. The complainant had agreed for quashing the proceedings. She has accepted the amount on account of settlement and consented for quashing proceedings.

ORDER

- (i) Criminal Application No. 1117 of 2023 is allowed.
- (ii) Impugned FIR No. 362 of 2022 dated 24th September 2022 registered with Warje Malwadi Police Station is quashed and set aside.
- (iii) The applicants shall deposit the costs of Rs.50,000/- with Central Police Welfare Fund within a period of two weeks from today.
- (iv) The receipt of payment of costs be produced before the Registry.
- (v) Applications stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)

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