



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3103 OF 2023**

Sudeep Kumar Saha

... Petitioner

Versus

State of Maharashtra and another

... Respondents

.....

Ms. Sana Khan alongwith Mr. Rahul Pandey and Mr. Aditya Parmar for the Petitioner.

Mr. S.V. Gavand, APP for the State.

Mr. Nitin Patil instructed by Hulyalkar and Associates for Respondent No.2.

IO ACP Mr. Mahesh Mugutrao, Santacruz Division, Mumbai, present.

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**CORAM : NITIN W. SAMBRE &
N.R. BORKAR, JJ.**

DATED : 4 OCTOBER 2023

P.C. :-

1. Prayer is for quashing the FIR in Crime No.225 of 2020 for offence punishable under Sections 376, 377, 354, 354(c), 384, 365, 323, 452, 504 r/w. 34 of Indian Penal Code and Section 67(a) of the Information Technology Act, 2000, registered on 22 July 2020.

2. The Respondent No.2-complainant alleges that under the threat and coercion, she was sexually exploited. Based on the aforesaid genesis, offence came to be registered.

3. The contentions of the Petitioner are, relationship between the parties was consensual. So as to substantiate the same, reliance is placed on the contents of the FIR.

4. Though the Respondent No.2-complainant had initially opposed the prayer of the Petitioner by filing the Affidavit in reply, in subsequent Affidavit sworn on 3 October 2023, a categorical statement is made that she is not pressing/withdrawing the earlier affidavit dated 7 August 2023.

5. In addition to above, she has stated that she is voluntarily and on her free will extending consent for quashing as the relationship between them was consensual.

6. When the aforesaid statements in the affidavit put to the complainant, who is physically present in the Court, through the learned APP, the complainant stood by the aforesaid statements and states that out of her free will and without there being any coercion has given consent for quashing.

7. In the aforesaid backdrop, and as the relationship between the parties was consensual, in our opinion, the case for quashing is made out. The Writ Petition stands allowed in terms of prayer clause (b), subject to cost of Rs.25,000/- to be paid by the Petitioner to the Central Police Welfare Fund within a period of six weeks and acknowledgment of the same shall be placed on record, failing which the proceedings shall stand revived. Writ Petition is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)