

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

CRIMINAL APPLICATION NO. 1165 OF 2023

Paltu Sopan Acharji

...Applicant

Versus

XYZ & Anr

...Respondents

Mr. Sarthak Shetty a/w. Adv. Krishna Sarkate for the Applicant.

Smt. M. M. Deshmukh, APP for the Respondent-State.

Mr. Laxman Kanal for the Respondent No. 1

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

DATED : 18th OCTOBER, 2023

P.C.:

1. The prayer is for quashing of the FIR in Crime No 283 of 2017 registered on 15/12/2017 for the offence punishable u/s. 376(2)(n) and 506 of the IPC.
2. As during the investigation sufficient evidence was noticed, the Applicant came to be charge-sheeted and proceedings, being Sessions Case No. 191 of 2018 on the file of the Sessions Court, Greater Mumbai is initiated against the Applicant.
3. The genesis of the offence is based on the old friendship between the Applicant and the Respondent/Complainant, who were college mates.
4. The Respondent/Complainant is informed to be a married

lady. In view of the aforesaid relationship and due to the intervention of family members and close friends both the parties have reached to a settlement and accordingly consent terms were drawn on 07/09/2023, which are duly notarized.

5. Based on the aforesaid consent terms, the Respondent/Complainant has placed on record the Affidavit thereby extending consent for quashing and withdrawal of all the allegations against the Applicant.

6. Similarly, the Applicant has also undertaken not to make any allegations so as to malign the image of the Respondent/Complainant as could be noticed from the consent terms.

7. We have requested learned APP to verify from the Respondent/Complainant as to whether the Affidavit is voluntarily, to which the Respondent/Complainant has agreed. The Respondent/Complainant has stated that she stands by what has been stated in the consent terms so also in the Affidavit.

8. In view of the stand taken by the Respondent / Complainant and in view of the law laid down by the Apex Court in the matter of ***Gian Singh vs. State of Punjab and Another*** reported in ***(2012) 10 SCC 303*** and ***Narinder Singh & Ors. Vs State of***

Punjab & Anr. reported in ***(2014) 6 SCC 466***, no purpose will be served by keeping the present proceedings pending against the Applicant.

9. That being so, the Application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.25,000/- to be paid by the the Applicant to ***Janseva Foundation (Bank of Maharashtra, Account No. 20076764639, IFSC Code - MAHB0000102)*** within six weeks from today.

10. The Applicant shall produce a copy of the receipt of payment of aforementioned cost in the Registry within a period of six weeks from today, failing which the order of quashing the proceedings shall stand recalled.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)