

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1241 OF 2023

Ganesh Rohidas Gore

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

.....

Mr. Vijay Agarwal for the Applicant.

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

Mr. Adwait Bhonde for Respondent No. 2.

.....

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

DATED : 4 OCTOBER 2023

P.C. :-

. The prayer is for quashing of the FIR and consequential charge-sheet for an offence being Crime No. 275 of 2022 for offences punishable under Sections 376, 506 of the Indian Penal Code and Section 66 (E) of the Information Technology Act.

2. The genesis of the offences alleged by the respondent and as to be inferred from the record is that the applicant for a period from 8 May 2021 to 23 August 2022 under the promise of marriage sexually

exploited the respondent and on social media circulated the photos alongwith the false information.

3. The facts remains that the applicant was charge-sheeted in the aforesaid crime which was subsequently re-registered as Crime No. 623 of 2022. The prayer is for quashing by consent.

4. The respondent has placed on record consent affidavit stating that she is voluntarily extending consent for quashing of the FIR, charge-sheet which has taken shape of Sessions Case No. 490 of 2023 pending on the file of Additional Sessions Judge, Pune. It is stated that the dispute has arisen out of misunderstanding and she is not willing to pursue the complaint against the applicant. She has also stated that unconditionally, she is extending consent for quashing and setting aside the prosecution against the applicant.

5. In the aforesaid background, we have requested, learned APP to confirm the contents of the affidavit from the respondent/complainant through which the respondent has conceded to quash the criminal proceeding. The respondent in response to

above admitted to have executed the same out of her own will and voluntarily.

6. The perusal of the FIR, prima facie, depicts that the relationship between the applicant and respondent/ complainant was consensual and was for a period almost more than one year.

7. In this background, having regard to the law laid down by the Apex Court in the matter of **Sonu @ Subhash Kumar Vs. State of Uttar Pradesh and another reported in 2021 SCC Online SC 181** particularly paragraph Nos. 7 to 11 and **Shambhu Kharwar Vs. State of Uttar Pradesh reported in AIR 2022 SCC 3901**, the prayer for quashing of the prosecution by consent can be granted.

8. In this background, the present application stands allowed in terms of prayer clause (a) subject to payment of cost of Rs. 25,000/- to Pasaydan Balvikas Foundation, Bank Name – Central Bank of India, Account Number – 3775403155, IFSC Code – CBIN0285070 within four weeks from today and produce the receipt of payment of cost with the Registry within same period, failing which the order of

quashing the criminal proceedings shall stand recalled and this Court will be constrained to proceed against the applicant in accordance with law.

9. Application is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)