

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1056 OF 2022

Mangalsingh Shreeramsing Parmar ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Omkar G. Nagwekar for the Applicant.

Ms. Sharmila S. Kaushik, APP for the State.

Mr. Sintoo Bhagat for Respondent No. 2.

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

DATED : 6 OCTOBER 2023

P.C. :-

The applicant was charge-sheeted pursuant to the complaint dated 27 February 2019 for offence punishable under Sections 376, 506 in Crime No. 215 of 2019 registered with Malvani Police Station.

2. According to the prosecution, the respondent No. 2, who is married lady, was sexually exploited by the applicant with whom she was employed.

3. The respondent No. 2, who is physically present in the Court, through her lawyer has tendered an affidavit sworn on

9 November 2022 before the Assistant Registrar of this Court.

4. The respondent No. 1 is duly identified by her lawyer, who is representing her interest and also we have requested learned APP Ms. Kaushik to verify her identity. Ms. Kaushik, learned APP has verified her identity from her Aadhaar Card, photocopy of which is placed on record.

5. In the affidavit tendered before the Court, the respondent No. 2 has taken stand that she was employed with the applicant and physical relations between her and the applicant were consensual. According to her, she never advanced an amount of Rs. 4 Lakhs to the applicant and it is only out of differences and anger, she has lodged the aforesaid complaint.

6. In view of above, having regard to the stand taken by the respondent No. 2- complainant that the relations between her and applicant were consensual, the prosecution against the applicant cannot be taken to its logical end.

7. Having regard to the stand taken by the respondent, we are of the view that the prayer of the applicant for quashing by consent can

be considered and granted.

8. As such the present Application stands allowed in terms of prayer clause (b) subject to payment of cost of Rs. 25,000/- to be paid by the applicant to the Central Police Welfare Fund within a period of six weeks from today and the receipt of payment of cost shall be produced with the Registry within same period, failing which the order of quashing the criminal proceedings shall stand recalled. The Application is disposed of in aforesaid terms.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)