

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

CRIMINAL APPLICATION NO.1203 OF 2022

Kalpesh Harishankar Yadav	Applicant
versus	
Pratibha Rakesh Yadav and another	Respondents

Mr.Manish N. Jain i/by S.M.Jain & Associates for Applicant.
Ms.Ritu G. Gahlot, Advocate for Respondent no.1.
Mr.S.S.Hulke, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 17th April 2023

PC :

1. By the present Application, the Applicant, original accused in R.C.C No.821 of 2022 arising out of C.R No.12 of 2022 registered with Achole Police Station, Vasai, District Palghar, under Section 376 of IPC, has prayed to quash said crime with the consent of Respondent no.1, the victim.

2. Mr.Jain, learned Advocate for Applicant submitted that Applicant and Respondent no.1 victim became friends due to the profession of Applicant and subsequently their friendship was blossomed into love affair. That, alleged acts as contemplated u/s.376 of IPC were with the consent of Respondent no.1 and as such consensual between two adult persons.

3. Learned Advocate appearing for Respondent no.1 submitted that Respondent no.1 has affirmed an Affidavit dated 17th October

2022 before a Notary Public and in paragraph 9 thereof, Respondent no.2 has given her no objection for quashing present crime. She submitted that she has identified the signature of Respondent no.2 in the said Affidavit.

4. Perusal of FIR would make it clear that there is substance in the submissions made by Advocate for Applicant. It appears that relations between Applicant and Respondent no.1 were consensual in nature and it is the reason that Respondent no.1 accompanied the Petitioner at various lodges in the vicinity of Palghar District. Respondent no.1 in her Affidavit has stated that, she wants to settle in her life and therefore has settled present case with Applicant. In paragraph no.9 thereof she has given her 'no objection' to quash R.C.C No.821 of 2022 arising out of FIR No.12 of 2022 registered with Achole Police Station, Vasai, District Palghar.

5. In view thereof, we are inclined to quash R.C.C No.821 of 2022 pending on the file of Judicial Magistrate First Class, Vasai, District Palghar, arising out of C.R No.12 of 2022 registered with Achole Police Station, District Palghar.

As we expressed our opinion for quashing of said crime by consent of parties, learned counsel for Applicant on instructions submitted that the Applicant will pay a cost of Rs.50,000/- to Central Police Welfare Fund within a period of two weeks from today. The

said statement is accepted as an undertaking given to this Court.

We direct the Applicant to pay cost of Rs.50,000/- to Central Police Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of High Court.

The details of bank account for payment of cost are as follows:-

Bank Name	:	Axis Bank Limited
Branch Name	:	Worli, Mumbai (M.H), Mumbai-400025
Account Name	:	Central Police Welfare Fund
Account Number	:	914010029005759
IFSC Code	:	UTIB0000060

6. In view of above, we quash R.C.C No.821 of 2022 pending on the file of Judicial Magistrate First Class, Vasai, District Palghar, arising out of C.R No.12 of 2022 registered with Achole Police Station, District Palghar.

7. It is made clear that if cost is not paid within the stipulated period as mentioned above, the Petition shall stand revived and in that case investigating agency shall proceed with investigation of said crime expeditiously.

8. List the Petition on 8th June 2023 under caption 'for reporting compliance' of present Order.

9. All the concerned to act on an authenticated copy of this Order issued by Registry.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)