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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1267 OF 2023**

Ameya V. Mohite	...Applicant
Versus	
1. The State of Maharashtra	
2. Ms Sarika B. Shirsat	...Respondents

Mr. Dharmendra Rohra for the Applicant.
Mr. S.V. Gavand, APP for the Respondent/ State.
Mr. Alok Singh i/b Mr. Omprakash Pandey for Respondent No.2.

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

DATE : 3 NOVEMBER, 2023.

PC:-

1. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.317 of 2019 dated 13 November 2019 registered at Dadar Police Station, Mumbai against the applicant for the offences punishable under Section 376, 420, 325, 323, 504, and 506 of the Indian Penal Code and the sessions case arising out of said FIR being Sessions Case No. 28 of 2021 pending on the file of Additional Sessions Judge, 41st Court, Sessions Court at Greater Bombay.

2. The aforesaid crime came to be registered against the applicant at the instance of respondent No.2/complainant. The petitioner and respondent No.2 got acquainted with each other through social media. It is alleged that the petitioner on

multiple occasions committed sexual intercourse with the respondent No.2 on the pretext that he would marry her.

3. The quashing of FIR is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question.

4. The learned counsel for the applicant and the learned counsel for the respondent No.2 jointly submit that the alleged relationship between the petitioner and respondent No.2 was consensual. It is submitted that in view of the settlement arrived at between the parties no purpose would be served by keeping the prosecution alive.

5. The respondent No.2, who is identified by her Advocate Mr. Alok Singh, is personally present in the Court. She confirms about the settlement arrived at with the applicant and the contents of the consent affidavit dated 19 October 2023 filed by her, wherein she has stated that she has no objection if the criminal case in question against the petitioner is quashed.

6. We have perused the FIR. The respondent No.2 was aware that the petitioner is married. Therefore, the alleged relationship between the petitioner and respondent No.2 appears to be consensual. Even otherwise, in view of the settlement, respondent No.2 is not going to support the prosecution case and therefore, the possibility of conviction is remote and bleak. Considering overall facts and circumstances,

in our view, the application deserves to be allowed. Hence, the Application is allowed in terms of prayer clause (a), subject to payment of costs of Rs.1,00,000/- (Rupees One Lakh) by the applicant to the ***“Janseva Foundation bearing Account No. 20076764639, Bank of Maharashtra, IFSC Code : MAHB0000102”*** within ten weeks from today and the receipt of payment of cost shall be produced with the Registry, failing which the order of quashing the criminal proceedings shall stand recalled.

7. The Application is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)