

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1154 OF 2017**

Deepak Ravindra Joshi

...Applicant

Versus

The State Of Maharashtra And Anr.

...Respondents

Mr. Vaibhav Bagade a/w Mr. Aman A. Korari, Mr. Kolekar for Applicant.

Mrs. G. P. Mulekar, A.P.P. for Respondent No.1-State.

Mr. Sushil Upadhyay i/by Mr. Shivkumar Mishra for Respondent No.2.

Mr. Dilip Sawant (P.S.I.) Bandra Police Station, Mumbai is present.

**CORAM : A. S. GADKARI AND  
PRAKASH D.NAIK, JJ.****DATE : 29<sup>th</sup> MARCH 2023.****PC.:-**

. Applicant/Original Accused in C.R. No.472 of 2015 registered with Bandra Police Station, Mumbai has filed the present Application for quashing of Sessions Case No.529 of 2016 pending on the file of learned Additional Sessions Judge, Mumbai, arising out of C.R. No.472 of 2015 registered with Bandra Police Station, Mumbai for offences under Sections 376, 417, 406, 420, 427 and 506 of Indian Penal Code, by consent of Respondent No.2.

2. Learned Advocate for Applicant submitted that, the Applicant and Respondent No.2 have resolved their issues and differences amicably and have executed the 'Consent Terms' dated 29.03.2023. That, as per Clause (D) of the 'Consent Terms', the Respondent No.2 has given her 'no

objection' for quashing of the said Sessions Case No.529 of 2016 pending on the file of learned Additional Sessions Judge, Mumbai, arising out of C.R.No.472 of 2015 registered with Bandra Police Station, Mumbai.

3. Respondent No.2 is personally present in the Court and through her Advocate reiterated affirming the said Affidavit and also submitted that, she has no objection, if the entire proceedings are quashed.

4. Perusal of First Information Report and other documents on record indicates that, the relations between Applicant and Respondent No.2 were consensual in nature between two adult persons and when the said relations got soured, the Respondent No.2 has lodged present crime.

5. In view of the fact that, the Respondent No.2 has no desire to prosecute the Applicant further and has expressly given her 'no objection' for quashing of the said Sessions Case No.529 of 2016 pending on the file of learned Additional Sessions Judge, Mumbai, arising out of C.R.No.472 of 2015, we are inclined to quash the said proceedings.

6. As we are inclined to quash the Sessions Case No.529 of 2016 pending on the file of learned Additional Sessions Judge, Mumbai, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.50,000/- to the Central Police Welfare Fund, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7. We direct the Applicant to pay cost of Rs.50,000/- to the Central Police Welfare Fund, Mumbai.

The details of the bank account for payment of cost are as under :

Bank Name : Axis Bank Ltd.  
Branch Name : Worli, Mumbai [MH], Mumbai - 400 025.  
Account Name : Central Police Welfare Fund  
Account No. : 914010029005759  
IFSC Code : UTIB0000060

8. Applicant to deposit the said cost of Rs.50,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

9. Subject to payment of cost, the said proceedings i.e. Sessions Case No.529 of 2016 pending on the file of learned Additional Sessions Judge, Mumbai, arising out of C.R.No.472 of 2015 is quashed. Application is allowed in terms of prayer Clause (a).

10. It is made clear that, if the Applicant fails to deposit the said cost within stipulated period, present Application shall stand automatically revived and in that event, the trial Court will proceed with the hearing of said case expeditiously.

11. Stand over to 27<sup>th</sup> April 2023.

To be listed under the caption "*for reporting compliance*".

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)