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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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CRIMINAL APPLICATION NO.97 OF 2023

Ninad B. Adate

...Applicant

V/s.

State of Maharashtra & Anr.

...Respondents

Mr.M.G. Tangsali for the Applicant.

Mr.Ajay Patil, APP for Respondent No.1 – State.

Ms.Sundas Ansari for Respondent No.2.

Respondent No.2 present in person.

CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ.
DATE : 25TH AUGUST, 2023.

P.C. :-

1. Respondent No.2 Complainant had friendly terms with the Petitioner with subsequently took shape of a long relationship.
2. After some time the differences cropped up between the two and the Petitioner started causing trouble to the Respondent No.2. Respondent No.2 pursuant to the conduct of the Petitioner which amounts to an offence of outraging modesty in a criminal course lodged a complaint on 8th May, 2022 resulting in registration of offence punishable under Sections 354, 354 (D), 504, 506 being

Crime No.7 of 2022.

3. The Petitioner is already charge-sheeted for the aforesaid offence.

4. The maximum punishment provided for the offence is around three years with fine. The Petitioner assures good conduct and behavior and not to encroach on the privacy of the Respondent No.2 /Complainant, and has furnished an undertaking on affidavit sworn on 4th August, 2023.

5. In the aforesaid backdrop of undertaking and the intervention of senior members of the family of the Petitioner and Respondent No.2, Respondent No.2 Complainant has agreed for extending consent for quashing of the aforesaid offences against the Petitioner. During the course of hearing, she has tendered an affidavit on record through her counsel, who has duly identified Respondent No.2. The affidavit is taken on record.

6. We have requested Mr.Ajay Patil, learned APP to confirm the contents of the affidavit from Respondent No.2, after verifying her identity. Mr.Patil, upon interaction with Respondent No.2 Complainant submits that she has voluntarily decided to extend the consent for quashing by submitting the affidavit as the differences *inter-se* between the Petitioner and Respondent No.2 stands resolved. She has also stated that in view of an undertaking of good conduct and

behavior given by the Petitioner, she is extending consent for quashing of FIR.

7. In this backdrop, this Court is required to be sensitive to the position of law in the judgments delivered by the Apex Court in the matter of **Gian Singh vs. State of Punjab & Anr.** reported in **(2012) 10 SCC 303** and **Narinder Singh & Ors. vs. State of Punjab & Anr.** Reported in **(2014) 6 SCC 466**. In view of the stand taken by Respondent No.2, the Petitioner cannot be made to face the prosecution, as the same cannot be taken into its logical end.

8. That being so, the Application is allowed in terms of prayer clause (a-i) subject to payment of costs of Rs.25,000/- by the Applicant to the Children AID Society to be deposited in UCO Bank Account No.02370100005612 with IFSC Code UCBA0000237. The cost shall be deposited by the Applicant within four weeks from the receipt of the order and receipt to that effect be placed on record within a week thereafter, failing which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Applicant in accordance with law.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE, J.)