

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1123 OF 2023**

Sanjay Vinayak Gode

... Petitioner

V/s.

X Y Z and Anr.

... Respondents

Mr.Manish Bind h/f. Mr. Premasagar Bind for Petitioner.

Mr.S.S. Hulke, A.P.P for Respondent No.1-State.

Mr.Gajendra Jadhav for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 28th March 2023.****P.C. :**

1. Petitioner, original Accused in C.C. No. 51 of 2021 pending on the file of learned Additional Sessions Judge, Dindoshi, Mumbai arising out of CR No. 846 of 2020 registered with Kandivali Police Station, Mumbai under Sections 328, 376(2)(n), 500, 506(2) of The Indian Penal Code and under Section 66(e) of Information Technology Act, 2000 has preferred present Petition for quashing of the said case by consent of Respondent No.1-victim.

2. Mr.Bind, learned Advocate for Petitioner submitted that, perusal of First Information Report (F.I.R.) would indicate that, the relations between the Petitioner and Respondent No.1 were consensual relations between two adult persons. That at the time of alleged incidents the Respondent No.1 was a married woman having a son aged about 5 years. He submitted that, the

Respondent No.1-victim has filed affidavit dated 13th December 2022 (page 21-23 to Petition) affirming that she has settled the matter with the Petitioner and has 'no objection' for quashing the criminal case initiated by her. Respondent No.1 has further stated that, she is withdrawing all the allegations levelled by her in the aforestated FIR.

3. Respondent No.1 is personally present in the Court and through her Advocate reiterated the contents of the said affidavit and has also informed this Court that she has no objection in quashing the said C.C. No. 51 of 2021 arising out of CR No. 846 of 2020.

4. We have perused the F.I.R.. It *prima facie* indicates that, the relations between the Petitioner and Respondent No.1 were consensual in nature and when the Respondent No.1 tried to discontinue the said relations, the Petitioner threatened her to kill her husband and son and thereafter the present crime is registered.

5. In view of the above, we are inclined to quash said C.C. No. 51 of 2021 arising out of CR No. 846 of 2020.

Learned Advocate for Petitioner on instructions submitted that, as this Court is inclined to quash said C.C. No. 51 of 2021 arising out of CR No. 846 of 2020, his client is ready and willing to pay a costs of Rs.25,000/- to the Central Police Welfare Fund within a period of two weeks from the date of uploading of the present Order on the Official Website of the High Court. The said statement is accepted as an undertaking given to this Court.

6. We direct the Petitioner to pay cost of Rs. 25,000/- to Central Police Welfare Fund. The details of the bank account for payment of cost are as under:-

Bank Name : Axis Bank Ltd.

Branch Name : Worli, Mumbai [M.H.], Mumbai – 400 025

Account Name : Central Police Welfare Fund

Account No. : 914010029005759

IFSC Code : UTIB0000060

Petitioner to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

7. Subject to payment of cost, C.C. No. 51 of 2021 arising out of CR No. 846 of 2020 is quashed. Petition is allowed in terms of prayer clause (a).

8. It is made clear that, if the Petitioner fails to deposit the aforesaid amount within stipulated period, the present Petition shall stand automatically revived and in that event, the trial of C.C. No. 51 of 2021 will proceed expeditiously.

9. Stand over to 25th April, 2023.

To be listed on board under the caption “for reporting compliance”.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]