



Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.49 OF 2024**

Mr R PETITIONER.

Versus

1. STATE OF GOA, THROUGH
PUBLIC PROSECUTOR
2. POLICE INSPECTOR
3. Ms X

.... RESPONDENTS.

Ms Tejaswini Kole, Advocate for the Petitioner.

Mr Pravin Faldessai, Addl. Public Prosecutor for Respondents
No.1 and 2.

Ms Swati S. Kamat Wagh, Advocate for Respondent No.3.

**CORAM : M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED : 8th OCTOBER 2024.

P.C.:

1. Heard learned Counsel for the Petitioner. This is a Petition filed under Section 482 Cr.P.C. FIR was registered pursuant to a complaint of Respondent No.3 under Section 376 IPC. The Petition is filed for quashing of the FIR and consequent report on the ground that the relationship between the parties, who are both major, was consensual.

2. Learned Counsel for Respondent No.3 submitted that she has filed an affidavit to the effect that the victim does not want to pursue the complaint dated 07/01/2023 filed by her before Porvorim Police Station and further does not want to participate in any criminal proceedings pursuant to the said FIR as considerable time has passed since her complaint and that she wants to live a peaceful life considering the good prospects in future. In the affidavit, it is stated that she does not have any objection if the present proceedings are closed by this Court by appropriate orders. Respondent No.3 has further stated in the affidavit that she will not remain in contact with the Petitioner in future and that she legitimately expects the Petitioner not to approach her or harass her with regard to her withdrawal of the complaint.

3. The Petitioner, who is personally present in the Court, has also filed an affidavit dated 8/10/2024. In the affidavit, he has stated that he will not meet or contact the Complainant and that he shall, in no manner threaten or come in the way of the Complainant. It is further stated that he shall in no manner interfere in the personal life of the Complainant at any point of time.

4. Learned Counsel on instructions of the Complainant-Respondent No.3 who is personally present in the Court,

states that this course of action adopted by the Complainant-Respondent No.3 is voluntary and that she is not under any threat or coercion whatsoever.

5. Having regard to the principles laid down by the Supreme Court in *Gian Singh Versus State of Punjab and another* - (2012) 10 SCC 303 and in view of the stand that has been taken by the parties, we are satisfied that the possibility of a conviction is remote and bleak. We are satisfied that the victim's wish that continuation of the proceedings will do more harm than good needs to be respected and she be allowed to move ahead in life. The statements made by the Petitioner in the affidavits be abided by. In the interest of justice and in view of the facts and circumstances of this case, the present Petition is allowed in terms of prayer clause (a).

6. The Petition is disposed of. No Costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.