

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5731 OF 2021

Pruthviraj Jayraj Bhutale

...Petitioner

Versus

1. The State of Maharashtra

2. Meera Avdhut Chavan

...Respondents

WITH

CRIMINAL APPLICATION (APL) NO. 89 OF 2024

Meera Avdhut Chavan

...Applicant

Versus

1. The State of Maharashtra

2. Smt. Vijayanti Prithviraj Bhutale

...Respondents

....

Mr. Ritesh Thobade a/w Ankita P. Rai and Changdev Shingade Advocate for Petitioner in WP/5731/2021 and Respondent No.2 in APL/89/2024.

Mr. Abhay A. Jadhavar Advocate for Applicant in APL/89/2024 and Respondent No.2 in WP/5731/2021.

Mr.V. A. Kulkarni,APP for the Respondent No.2–State in WP/5731/2021.

Ms. K. T. Hivrale, APP for Respondent-State in APL/89/2024.

PSI A.N. Kokate, Talegaon Dabhade Police Station is present.

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**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**

DATE : 4th APRIL 2024

P.C.:-

1. Criminal Writ Petition No. 5731 of 2021 is preferred by petitioner Pruthviraj J. Bhutale challenging the FIR dated 11th October 2020 registered with Talegaon Dabhade Police Station, Pune vide C.R. No. 538 of 2020 for

offences under Sections 323, 376(2)(n), 504, 506 of the Indian Penal Code, 1860.

2. The complainant has alleged that, she was acquainted with the accused. There was physical relationship between them. She was pregnant. She delivered child. Thereafter, accused started suspecting her character. She was abused and assaulted. She lodged FIR.

3. It is submitted that, petitioner and Respondent No.2 has resolved the differences. Respondent No.2 has no objection for quashing the FIR.

4. Respondent No.2 is present in the Court. She is represented by Advocate. She has no objection for quashing the FIR. They have executed consent terms. She has filed affidavit of consent. The consent terms between the petitioner and Respondent No.2 were also placed on record.

5. The consent terms indicate that, the petitioner and respondent No.2 will not interfere in their respective life. They will not contact each other and they will not claim any rights against each other.

6. In the affidavit of Respondent No.2 it is stated that, she has consenting for quashing the impugned FIR. She do not have any objection if the FIR lodged by her is quashed. She is filing affidavit without any pressure or undue influence.

7. The applicant in Criminal Application (APL) No. 89 of 2024 has challenged the FIR dated 26th November 2020 registered with Bharati

Vidyapeeth Police Station vide C.R. No. 1155 of 2020 for offences under Sections 385, 504, 506 read with 34 of the Indian Penal Code, 1860. The FIR was registered at the instance of Respondent No.2.

8. The grievance of the complainant in the FIR is that, on 24th November 2020 one unknown person visited the house of complainant. He told her that he has been sent by the Applicant. He also stated that, the applicant is willing to withdraw the case registered by her. The complainant should make arrangement of Rs.50 lakhs. The said person also threatened that the complainant's son would be falsely implicated in the case. He told them to pay an amount of Rs.50 lakhs within two days. He threatened them of dire consequences. During the course of investigation, the applicant was impleaded as an accused in the said case.

9. It is submitted by both the sides that, the dispute has been settled. The complainant has no objection for quashing the FIR.

10. The complainant is present in the Court. She has filed affidavit. She has reiterated her consent for quashing the FIR. She is represented by Advocate. Her affidavit indicate that, she has no objection for quashing the FIR. The consent terms executed between the applicant and Respondent No.2 are placed on record. In the consent term it is stated that, the applicant and Respondent No.2 will not contact each other and Respondent No.2 and her family members would not claim any rights against the applicant. Affidavit and consent terms are taken on record.

11. From the tenor of the FIR dated 11th October 2020 registered with Talegaon Dabhade Police Station, Pune it appears that the relationship was consensual in nature. The wife of petitioner in Criminal Writ Petition No. 5731 of 2021 has lodged the FIR dated 26th November 2020 with Bharati Vidyapeeth Police Station, Pune vide C.R. No. 1155 of 2020 which is under challenge in Criminal Application (APL) No. 89 of 2024. The applicant in the said application is the complainant in FIR dated 11th October 2020 registered with Talegaon Dabhade Police Station, Pune vide C.R. No. 538 of 2020 which is under challenged in Criminal Writ Petition No.5731 of 2021.

12. Considering the fact that the parties have resolved their differences, the impugned proceedings can be quashed.

ORDER

(i) Criminal Writ Petition No.5731 of 2021 is allowed;

(ii) The impugned FIR dated 11th October 2020 registered with Talegaon Dabhade Police Station, Pune vide C.R. No. 538 of 2020 is quashed and set aside against the petitioner.

(iii) The Petitioner shall pay the cost of Rs.50,000/- to Advocates' Association of Western India Generation Next within a period of three weeks from the date of uploading of the present order and submit the receipt of the same in the Registry of this Court. The details of the Bank Account for payment of costs are as under:-

Account Name : Advocates Association of
Western India Generation Next
Account Number : 000110110007807
Bank Name : Bank of India
Branch Name : Mumbai Main
IFSC Code : BKID0000001

(iv) **Criminal Application (APL) No.89 of 2024 is allowed;**

(v) The impugned FIR dated 26th November 2020 registered with Bharati Vidyapeeth Police Station vide C.R. No. 1155 of 2020 is quashed and set aside against the applicant.

(vi) The Applicant shall pay the cost of Rs.25,000/- to Advocates' Association of Western India Generation Next within a period of three weeks from the date of uploading of the present order and submit the receipt of the same in the Registry of this Court. The details of the Bank Account for payment of costs are as under:-

Account Name : Advocates Association of
Western India Generation Next
Account Number : 000110110007807
Bank Name : Bank of India
Branch Name : Mumbai Main
IFSC Code : BKID0000001

(vii) Criminal Writ Petition and Criminal Application stand disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)