

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 131 OF 2022**

Swapnil S. More	...Petitioner
Versus	
State of Maharashtra & Anr.	...Respondents

Mr. Prafull M. Gaikwad for the Petitioner.
Ms M.M. Deshmukh, APP for the Respondent/State.
Mr. Irfan Abdul Aziz Ansari for Respondent No.2.

CORAM	:	PRAKASH D. NAIK & N. R. BORKAR, JJ.
DATE	:	26 FEBRUARY, 2024.

PC:-

1. Leave to amend the prayer clause and add pleadings.
Amendment be carried out forthwith.

2. The petitioner impugns the first information report (FIR) dated 27.10.2021 registered with Virar Police Station, vide FIR No.1028 of 2021 for the offences under Sections 376 and 376(2)(n) of the Indian Penal Code. The FIR was registered at the instance of respondent No.2.

3. It is jointly prayed that the dispute is resolved and respondent No.2 has no objection for quashing the impugned proceedings.

4. Respondent No.2/complainant is present in the Court. She has expressed her consent for quashing the impugned proceedings. She has filed the affidavit, stating that both the families are known to each other since long and she has resolved the dispute with the petitioner with intervention of family members and others and she does not wish to proceed against the petitioner. She has settled the dispute amicably with the petitioner and not interested in proceeding with the FIR. The affidavit is taken on record.

5. We have perused the FIR. The complainant was aged around 23 years at the time of lodging FIR. The complainant and the accused were acquainted with each other. There was physical relationship between them. It appears that the relationship was of consensual nature. Since the parties have resolved the differences, the FIR and the charge-sheet can be quashed.

ORDER

A] Writ Petition is allowed.

B] The proceedings in Sessions Case No.130 of 2023 pending before the Sessions Court, 2nd Court at Vasai arising out of FIR dated 27.10.2021 registered with Virar Police Station vide FIR No.1028 of 2021 are quashed and set aside.

C] The petitioner volunteered to pay costs of Rs.50,000/- to Advocates' Association of Western India Generation Next within a period of three weeks from today 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

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)