

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1256 OF 2023

Vinod Shripati Kshirsagar ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr. Shreyas P. Barsawade, Advocate for the Petitioner.

Ms. Naina Sharma i/by Mr. Abhideep Khaladkar for Respondent No.2.

Mrs. M.M.Deshmukh, Addl.PP for the Respondent No.1 – State.

Respondent No.2/ Complainant is present through V.C.

Snehal Jadhav (WPSI), Kondhwa Police Station, Pune, present.

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

DATE : 23rd FEBRUARY, 2024.

P.C.:

1. The Petitioner charge sheeted for offences punishable under Sections 376, 376(2)(n), 417 & 506 of Indian Penal Code (for short “IPC”) The First Information Report (for short ‘FIR’) was registered on 1st June, 2021 with Kondhwa Police Station, Dist. Pune vide C.R. No.426 of 2021 at the instance of Respondent No.2.

2. From the tenor of FIR the grievance of complainant in the FIR is that she was acquainted with the accused. He had promised the complainant that he would seek divorce from his wife and

perform the marriage with her. She was subjected to sexual assault. This incident had occurred in February-2020. Thereafter there was physical relationship between them on several occasions. The accused did not fulfill the promise. Pursuant to registration of FIR, charge-sheet is filed.

3. Learned Advocate for the Petitioner and Respondent No.2 submitted that impugned proceedings may be quashed with the consent of Respondent No.2 as they have resolved the differences.

4. Respondent No.2 is present through V.C. She is represented by Advocate. Affidavit sworn by Respondent No.2 is placed on record. The Affidavit indicate that the Respondent No.2 does not wish to prosecute the Petitioner as she has married during pendency of the case. She does not want any claim against the Petitioner. The Respondent No.2 has expressed that she has no objection for quashing the impugned charge-sheet. The complainant however expressed that there shall be no further claim from the Petitioner and he should not approach the complainant.

5. Learned Advocate for the Petitioner submits that the Petitioner has abide by the condition and he shall not have any further claim and should not be tried to approach the Respondent No.2.

6. We have perused the FIR and the charge-sheet. From the tenor of FIR and the other documents it appears that the accused and the complainant were acquainted with each other. There was physical relationship between them. The relationship appears to be of consensual nature. Hence, the proceedings can be quashed.

ORDER

i. Criminal Writ Petition No.1256 of 2023 is allowed and disposed off;

ii. The proceedings in Sessions Case No.1137 of 2022 pending before the Court of learned 8th Adhoc District Judge-3 and Additional Sessions Judge, Pune arising out C.R. No.426 of 2021 registered with Kondhwa Police Station, Dist. Pune are quashed and set aside.

iii. The Petitioner shall pay cost of Rs.1,00,000/- to Advocates Association of Western India Generation Next within a period of three weeks from today. The Account details are as under:

Account Name	: Advocates Association of Western India Generation Next
A/c No.	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Maina
IFSC Code	: BKID0000001

iv. The receipt of payment of cost be produced in the Registry of this Court within one week thereafter.

v. List the Petition for reporting the compliance after four weeks.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)