

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 800 OF 2024

Mehul Ashok Ubale ... Petitioner
Versus
The State of Maharashtra and anr. ... Respondents

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Ms. Anjali Patil for the Petitioner.
Mr. V. A. Kulkarni, APP for the State.

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

DATED : 13.03.2024

P.C. :-

1. Petitioner is charge-sheeted for the offence under Section 376 of Indian Penal Code.

2. The proceedings arising from the First Information Report dated 14.07.2023 registered with Badlapur West police station vide Crime No. 171 of 2023 for offence under section 376 of IPC.

3. The FIR was registered at the instance of respondent No.2.

4. It is submitted that the parties have resolved their differences and the complainant has no objection for quashing the proceedings.

5. The complainant is present in the Court. She is represented by Advocate. She has expressed her consent for quashing the proceedings. The affidavit affirmed by the complainant is placed on record, wherein it is indicated that both the parties have amicably settled the matter and she has no grievance against the petitioner and no objection to quash the FIR. The affidavit dated 13.03.2024 is taken on record.

6. Learned Advocate for the petitioner submitted that in view of settlement between the parties, the proceedings may be quashed. From the contents of the FIR, it is apparent that relationship was consensual in nature and since the complainant do not wish to proceed against the petitioner, the impugned proceedings may be quashed and set aside.

7. We have perused the FIR. From the tenor of the FIR it is apparent that, the petitioner and complainant were acquainted with each other since 2016. The relationship appears to be of consensual nature. Since the complainant has consented for quashing the proceedings, the relief sought in this petition can be granted.

ORDER

(i) Writ Petition is allowed.

(ii) The proceedings in Sessions Case No. 369 of 2023 arising out of Crime No. 171 of 2023 registered with Badlapur West Police Station for offence under Section 376 of IPC are quashed and set aside.

(iii) The petitioner shall pay cost of Rs. 25,000/- to Advocates Association of Western India Generation Next.

(iv) The details of the bank account for payment of costs are as under :

Bank Name	:	Bank of India.
Branch Name	:	Mumbai Main
Account No.	:	000110110007807
IFSC Code	:	BKID0000001.

(v) Petitioner to deposit the said cost of Rs.25,000/- within a period of three weeks from today and submit the receipt of the same in the Registry of this Court.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)