

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

CRIMINAL WRIT PETITION NO. 777 OF 2024

Sameer Umesh Salvi And Ors. ...Petitioners

Versus

The State Of Maharashtra And Anr. ...Respondents

....

Mr. Ajay Tripathi, Advocate for the Petitioners.

Adv. B.G. Tangsali, Advocate for Respondent No.2.

Mr. V.A. Kulkarni, APP for the Respondent – State.

....

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

DATE : 11th MARCH, 2024.

P.C.:

1. The Petitioners are charge-sheeted for offences under Sections 376, 506 (II), 420 r/w 34 of Indian Penal Code (for short 'IPC'). The proceedings are arising out of the First Information Report (for short 'FIR') dated 30th May, 2015 registered with Pantnagar Police Station vide C.R. No.241 of 2018 for offences under Sections 376, 506 (II), 420 r/w 34 of IPC.

2. The FIR was registered at the instance of Respondent No.2. The Petitioner No.2 is the mother and Petitioner No.3 brother-in-law of Petitioner No.1.

3. The grievance of the first informant which is apparent

from the FIR is that from January, 2018 to May, 2018. The Accused had promised the victim that he would perform marriage with her and under the promise of marriage maintained physical relationship.

3. Learned Advocate for the Petitioners submitted that the relationship was of consensual nature. The complainant has no objection for quashing the proceedings. There is settlement between the parties.

4. Learned Advocate for Respondent No.2/complainant submitted that the proceedings may be quashed with the consent of complainant. The parties have arrived at amicable settlement. The Respondent No.2 intends to settle down in life by performing marriage. She has no objection for allowing this Petition.

5. Learned APP submitted that the FIR indicates that the Accused made false promise of marriage. The Accused Nos.2 and 3 were attributed role of intimidation.

6. The Respondent No.2 is present in the Court. She has expressed her consent for quashing the proceedings. She is represented by Advocate. She has filed affidavit stating that she has no objection for quashing the FIR and impugned proceedings.

7. From the tenor of FIR and other documents which forms part of charge-sheet, it is apparent that there was physical relationship between the Accused and victim which appears to be of consensual nature. Since the complainant has no objection for quashing the impugned proceedings, the relief sought in this Petition can be granted.

ORDER

- i. Criminal Writ Petition No.777 of 2024 is allowed;
- ii. The proceedings in Sessions Case No.1918 of 2019 arising out of the FIR dated 30th May, 2015 registered with Panthnagar Police Station vide C.R. No.241 of 2018 are quashed and set aside.
- iii. The Petitioners shall pay cost of Rs.50,000/- 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 Main
IFSC Code	: BKID0000001

- iv. Petition stands disposed off accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)