

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

CRIMINAL APPLICATION NO. 289 OF 2024

Mukund Devidas Kulkarni ... Applicant
Versus
The State of Maharashtra And Anr. ...Respondents

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Mr. Pratik Kalantri, Advocate for the Applicant.

Mr. Piyush Toshniwal for Respondent No.2.

Ms. S. E. Phad, APP for the Respondent No.1 – State.

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

DATE : 7th MARCH, 2024.

P.C.:

1. Not on board. Taken on Board.
2. The applicant is charge-sheeted for offences under Sections 376, 376(2)(n) & 506 of Indian Penal Code (for short “IPC”). The FIR was registered at the instance of Respondent No.2 on 25.03.2023.
3. From the tenor of First Information Report (for short “FIR”) it is apparent that the complainant was acquainted with the accused in 2013. The first incident of the alleged sexual assault had occurred on 15.12.2013. The complainant was thereafter subjected

to physical relationship on several occasions. She was threatened by the accused. The FIR has been registered after a period of about nine years from the date of alleged first incident. The parties have resolved the dispute.

4. The Respondent No.2/Complainant is present in the Court. She has no objection for quashing the impugned proceedings. She is represented by the Advocate. She has filed Affidavit of consent for quashing.

5. The Petitioner is aged around 67 years and the complainant is aged around 51 years. As stated above the incident of physical relationship had allegedly occurred on several occasion. The complainant has no objection for quashing the proceedings.

6. In the light of allegations in the FIR and the consent affidavit filed by Respondent No.2/Complainant, the proceedings can be quashed.

ORDER

i. Criminal Application No.289 of 2024 is allowed and disposed off;

ii. Criminal Proceedings in R.C.C. No.505/2023 pending before the Court of learned J.M.F.C. Nashik arising out FIR dated 25.03.2023 registered with Bhadrakali Police Station, District Nashik, vide C.R. No. 110 of 2023 are quashed and set aside;

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

v. Learned Advocate Mr. Toshniwal undertakes to file Vakalatnama on behalf of Respondent No.2.

vi. List the application for reporting the compliance after five weeks.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)