

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

CRIMINAL APPLICATION NO. 256 OF 2021

Prashant Ankush Rane ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

WITH

CRIMINAL APPLICATION NO. 246 OF 2021

Malti Amritlal Jaiswal ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

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Mr. Pradish Shukla i/by K.K. Tiwari, Advocate for the Applicant in Cri. Application No.246 of 2021 and Respondent No.2 in Cri. Application No.256 of 2021.

Mrs. Sangita E. Phad, APP for the Respondent – State.

Mr. Amol Joshi a/w Mohd. Akthar i/by Rane and Company, Advocate for Applicant in Cri. Application No.256 of 2021 and Respondent No.2 in Cri. Application No.246 of 2021.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.
DATE : 28th MARCH, 2024.**

P.C.:

1. Both the Applications relate to the cross case filed by the parties against each other. The Applicants in both the applications are seeking quashing of impugned proceedings on the ground that there is settlement between the parties and the complainant in each case has no objection for quashing the said proceedings.

2. Criminal Application 256 of 2021 pertains to the proceedings in Criminal Case No.773 of 2019 pending before the Court of Sessions at Dindoshi arising out of First Information Report (for short 'FIR') Dated 29th June, 2018 registered with Dahisar Police Station, Mumbai vide C.R. No.443 of 2018 for offence under Sections 47, 376, 420, 324, 323, 504, 506, 354(c) of Indian Penal Code (for short 'IPC') and Section 66-E of Information and Technologies Act.

3. The complainant had alleged that she was acquainted with the Accused while she was obtaining legal advice. There was friendship between them. The Accused had promised that he would perform marriage. There was physical relationship between them.

4. The proceedings were initiated by Respondent No.2/complainant. She is present in the Court. She has filed affidavit stating that there is settlement between her and the Accused and she has no objection for quashing the impugned proceedings. She is represented by Advocate. The Respondent No.2 has asserted that she is consenting for quashing the impugned proceedings.

5. The Applicant in Criminal Application No.246 of 2021 had alleged in the FIR dated 27th June, 2019 lodged with Dahisar

Police Station, Mumbai vide C.R. No.305 of 2019 for offence under Sections 452, 380, 323, 504, 506 of IPC against the complainant in the aforesaid FIR.

6. The Accused in C.R. No.305 of 2019 has preferred Criminal Application No.246 of 2021 for quashing the FIR and the consequential proceedings arising out of the said FIR which are pending in the Court of learned Metropolitan Magistrate 26th Court at Borivali, Mumbai vide C.C. No.PW/4967/2019.

7. In the FIR dated 27th June, 2019, the complainant had alleged that the Accused had barged into his office. The complainant was abused and threatened. The Accused committed theft offences were registered under Sections 452, 380, 323, 504, 506 of IPC.

8. The parties have settled the dispute. The complainant is present in the Court. He has filed affidavit. He has no objection for quashing the impugned FIR and proceedings. The complainant is represented by Advocate. Both the parties have lodged complaints against each other.

9. We have perused both the complaints. The FIR dated 29th June, 2018 which is under challenge in Criminal Application No.256 of 2021 indicate that the Accused and the complainant

were acquainted with each other. There was consensual physical relationship between them. Considering the allegations reflected in the FIR and the charge-sheet and in view of fact that the parties have settled the dispute and complainant is consenting for quashing the proceedings. The impugned proceedings can be quashed.

10. Similarly, the other FIR which is subject matter of Criminal Application No.246 of 2021, it is also between the same parties and in view of the settlement and considering the consent of complainant, the impugned proceedings can be quashed.

ORDER

i. Criminal Application No.256 of 2021 and Criminal Application No.246 of 2021 are allowed;

ii. The proceedings in C.C. No.773 of 2019 pending before the Sessions Court at Dindoshi, Mumbai arising out of FIR dated 29th June, 2018 registered with Dahisar Police Station, Mumbai in C.R. No.443 of 2018 are quashed and set aside.

iv. The proceedings in C.C. No.PW/4967/2019 pending before the Metropolitan Magistrate, 26th Court at Borivali, Mumbai arising out of FIR dated 27th June, 2019 registered with Dahisar Police Station, Mumbai in C.R. No.305 of 2019 are

quashed and set aside.

v. The Applicant in Criminal Application No.256 of 2021 shall pay cost of Rs.50,000/- and Applicant in Criminal Application No.246 of 2021 shall pay cost of Rs.15,000/- to Advocates Association of Western India Generation Next within a period of three weeks. 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	: BKID00000001

vi. Applications stand disposed off accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)