

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

CRIMINAL WRIT PETITION NO. 676 OF 2024

Vikash Kumar Waman Shelke ...Petitioner
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. Sujay Gangal, Advocate for the Petitioner.
Mr. Sachin Pawar, Advocate for Respondent No.2.
Mr. Anand Shalgaonkar, APP for the Respondent – State.
Ms. Namrata Goundadkar, Original Complainant present.

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

DATE : 27th FEBRUARY, 2024.

P.C.:

1. Not on board. Taken on board.
2. The Petitioner is charge-sheeted for the offence under Sections 376 and 420 of Indian Penal Code (for short 'IPC'). The First Information Report (for short 'FIR') was registered at the instance of Respondent No.2 on 26th February, 2017 with Hinjawadi Police Station.
3. The allegations in the FIR indicate that from 2013 to October, 2015 the Accused had promised the complainant that he would perform marriage and there was physical relationships between them on several occasions. The Accused had obtained an

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amount of Rs.11,15,000/- and refused to return the said amount.

4. The parties have resolved the dispute and executed consent terms which are annexed to this Petition. Consent terms are signed by both the parties. The Respondent No.2 is present in the Court. She has expressed her consent for quashing the impugned proceedings.

5. In the consent terms it is stated that the parties have agreed to record the terms of the compromise with regard to the dispute. They have explored amicable settlement. The complainant has no objection for quashing and setting aside the proceedings in Sessions Case No.52 of 2018 pending before the Court of Sessions at Pune. The Accused has deposited sum of Rs.11,15,000/- in this Court during the hearing of the application for anticipatory bail. It is agreed between the parties that an amount of Rs.8,00,000/- deposited in this Court by the Petitioner is permitted to be withdrawn by Respondent No.2 and the balance amount of Rs.3,15,000/- alongwith accrued interest on the entire amount is permitted to be withdrawn by the Petitioner.

6. Form the tenor of the FIR and the other documents which forms part of charge-sheet it is apparent that the Accused and the

victim were acquainted with each other. There was physical relationship between them on several occasions. The relationship is of consensual nature. The parties have amicably settled the dispute. Hence, the impugned charge-sheet can be quashed with the consent terms.

ORDER

- i. Criminal Writ Petition No.676 of 2024 is allowed;
- ii. The proceedings in Session Case No.52 of 2018 pending before the Court of Sessions at Pune arising out of C.R. No.99 of 2017 registered with Hinjawadi Police Station are quashed and set aside.
- iii. Te Respondent No.2 is permitted to withdraw the amount of Rs.8,00,000/- deposited by the Petitioner and the Petitioner is permitted to withdraw the amount of Rs.3,15,000/- alongwith accrued interest on the entire amount.
- iv. The Petitioner 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

v. Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)