

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 301 OF 2024

Mark Radheshyam Thakur ... Applicant

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Yuvraj Tajane for Applicant.

Ms. S.E. Phad, APP for State.

Mr. Sushant A. Khatake for Respondent No.2.

.....

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

DATED : 29th FEBRUARY 2024

P.C. :-

1. Not on Board. Taken on Production Board.
2. Leave to amend the prayer clause. Amendment may be carried out forthwith.
3. The Applicant challenges the proceedings in Sessions Case No. 180/2023 pending before the Court of District Judge-II and Additional Sessions Judge, Vasai for the Offences under Sections 376 and 376(2)(n) of IPC.
4. It is submitted that the parties have amicably settled the dispute. The Complainant has no objection for quashing the proceedings. The Complainant is present in the Court. The Complainant has filed consent affidavit.
5. The First Information Report was lodged on 25th April, 2023 with

Waliv Police Station, Vasai and the offences were registered with CR No. 389/2023. The FIR discloses that the Complainant and the Accused got acquainted with each other in 2016. There was friendship between them. The accused proposed the Complainant for marriage. Under the promise of marriage, the Complainant subjected to physical relationship. The FIR was registered in 2023.

6. Learned Advocate for the Applicant submitted that, the relationship was of consensual nature. The disputes and differences are resolved. The Complainant has no objection for quashing the charge-sheet.

7. Learned Advocate for Respondent No.2 supported the prayers sought in this petition on the ground that there is an amicable settlement between the parties.

8. Learned APP submitted that the offences are of serious nature and hence FIR should not be quashed with the consent of the complainant. From the tenor of the FIR, it is apparent that the victim and accused were acquainted with each other for long time and the relationship appears to be a consensual nature. Now the parties have resolved the dispute and the proceedings are sought to be quashed. The Complainant is present in the Court and she has no objection for quashing the impugned proceedings.

9. We have perused the affidavit filed by the Complainant wherein it is stated that the physical relationship between them was out of free consent and that the Applicant and the Respondent No.2 have agreed to withdraw all the complaints and allegations against each other as the dispute has been resolved with the help of mediator with the consent of

the parties.

10. In the light of the fact that the parties have settled the dispute amicably, the impugned proceedings can be quashed as sought in the Application.

ORDER

- (i) Criminal Application No. 301 of 2024 is allowed.
- (ii) The proceedings in Sessions Case No. 180/2023 pending before the Court of District Judge-II and Additional Sessions Judge, Vasai are quashed and set aside.
- (iii) Applicant shall pay the costs of Rs.25,000/- to Central Police Welfare Fund within a period of three weeks from today and submit the receipt of the same in the Registry of this Court. The details of the bank account for payment as as under:

Account Name	: Axis Bank Ltd.
Branch Name	: Worli, Mumbai- 400 025.
Account Name	:Central Police Welfare Fund
Account No.	:9140100290055759
IFSC Code	:UTIB0000060

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)