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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1347 OF 2024**

Istekhar S. Khan ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

Adv. Ashwini Kumar Pathak for the Petitioner.
Ms Rutuja Ambekar, APP for the Respondent/State.
Adv. Jilajit Sharma for Respondent No.2.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**
DATE : 17.04.2024.

PC:-

1. Not on board. Taken on board.
2. Leave to amend to mask the name of respondent No.2.
Amendment be carried out forthwith.
3. The petitioner is challenging the First Information Report dated 2.3.2024 registered with Wadala T.T. Police Station, Mumbai vide C.R. No.148 of 2024 for the offences under Sections 376, 376(2)(n) and 504 of the Indian Penal Code.
4. It is submitted that the parties have settled the dispute. The relationship between the petitioner and respondent No.2 was of consensual. The FIR may be quashed with the consent of respondent No.2/complainant.
5. Respondent No.2/complainant is present in the Court. She is represented and identified by the Advocate. She has

asserted that the FIR can be quashed with her consent. She has filed the consent affidavit for quashing the FIR.

6. In the affidavit, it is stated that the complainant do not want to proceed with the FIR. The FIR can be quashed as the matter is settled out of Court. The affidavit is taken on record.

7. We have perused the contents of FIR. The complainant and the accused were acquainted with each other. It is alleged that the complainant was induced to have physical relationship under the promise of marriage. From January 2022 to March 2022, there was physical relationship between them. The relationship appears to be consensual. With the consent of complainant, the impugned FIR can be quashed.

ORDER

- a] Writ Petition is allowed.
- b] The impugned FIR dated 2.3.2024 registered with Wadala T.T. Police Station, Mumbai vide C.R. No.148 of 2024 for the offences under Sections 376, 376(2)(n) and 504 of the Indian Penal Code against the petitioner is quashed and set aside.
- c] The petitioner shall pay the costs of Rs.25,000/- to the Advocates' Association of Western India Generation Next within a period of four weeks from today and submit the receipt of same in the Registry of this Court. The

details of the bank account for payment of costs are as under:

Account Name	:	Advocates' Association of Western India Generation Next
Account Number	:	000110110007807
Bank Name	:	Bank of India
Branch Name	:	Mumbai Main
IFSC Code	:	BKID0000001.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)