



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

CRIMINAL APPEAL NO. 554 OF 2023

XYZ

..APPELLANT

VS.

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

Adv. Advait Tamhankar for the Appellant.

Adv. D.S. Mhaispurkar a/w Adv. Hrishikesh Pawaskar for
Respondent No.3.

Ms. Sangeeta D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 03, 2024

P.C. :

- 1.** Heard learned counsel for the appellant, learned counsel for respondent No.3 and learned APP for the State.
- 2.** The appellant as well as respondent No.3 are personally present in the Court today.
- 3.** The present appeal challenges the order dated 24/03/2023 passed by the learned Sessions Judge, Raigad-Alibag, granting respondent No.3 pre-arrest bail. During the pendency of this appeal, the appellant as well as respondent No.3 decided to resolve their differences. An affidavit in reply

is filed on behalf of respondent No.3. The same is taken on record and marked 'X' for identification. In the affidavit in reply, respondent No.3 has stated thus:

"I, Prashant Hindurao Padalkar, Age: Adult, Occ: Service, the Respondent No. 3 hereinabove do hereby state on solemn affirmation as under:

1. I say that the Appellant is complainant on C.R No. 9 of 2023 registered at Mandwa Coastal Police Station for an offence punishable u/s 376, 376-A, 323, 307, 504, 506 of the IPC r.w. 3(1) (r) (s), 3 (w) (i) (ii), 3 (2) (VA) and has filed the present Appeal challenging the Order dated 24.3.2023 passed by the Ld. Sessions Judge Raigad, Alibaug, granting me Anticipatory Bail.

2. I say that in the said case the chargesheet is already filed and committed to the Court of Sessions Judge at Raigad and is numbered as Special Case No. 9 of 2023 and the charge is already framed.

3. I say the I have also filed complaint against the present Appellant at Kharghar Police Station, Navi Mumbai, which is registered vide C.R. No. 80 of 2023 for an offence punishable u/s 452, 504 & 506 of the IPC. I say that in the said case the Investigating Officer has already filed chargesheet and the case is pending before the Ld. J.M.F.C. 1st Court Panvel vide R.C.C. No. 746 of 2023.

4. I say that due to the intervention of the family members and well-wishers myself and the Appellant have decided to settle the dispute amicably. Accordingly, it is agreed that both the Appellant and myself shall withdraw all the complaints, allegations against each other and shall also make appropriate application for withdrawal/quashing of the proceedings filed against each other.

5. Accordingly, I hereby agree to withdraw all the allegations, statements made against the Appellant and shall withdraw the complaint registered vide C.R. No. 80 of 2023 at Kharghar Police Station, Navi Mumbai and subsequent chargesheet in R.C.C. No.

476 of 2023 on the file of Ld. J.M.F.C. Panvel or will give No Objection for filing Joint Petition for Quashing by Consent.

6. I will donate a sum of Rs. 1,00,000/- to a charitable institution viz. "SANTULAN" situated at Tulja Bhavani Nagar, Kharadi, Pune - 411 014, having Bank Account No. 0261101051752, IFSC/RTGS/NEFT Code: CNRB0006415, within 2 weeks from today."

4. Learned counsel for the appellant, on instructions of the appellant who is personally present in the Court, submits that in the light of the affidavit filed, the appellant is ready to withdraw all the allegations made against respondent No.3 as she wants to move ahead in life and put an end to the bitterness that arose between the parties. Respondent No.3 who is personally present in the Court through his advocate graciously submitted that he will donate a sum of Rs.1,00,000/- to the charitable institution viz. "Santulan" situated at Tulja Bhavani Nagar, Kharadi, Pune - 411 014 within 2 weeks from today. The statements are accepted.

5. In this view of the matter, nothing survives for consideration in the present appeal and the same is disposed of.

6. Needless to mention, if any proceedings are filed for quashing of the First Information Report i.e. C.R. no. 9 of

2023, the appellant states that she will cooperate with the respondent No.3 and thereby consent for such quashing.

7. Parties to abide by the statements made in this Court.

(M. S. KARNIK, J.)