

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1297 OF 2024

Ashish Mahavir Magdum ...Petitioner(s)

Versus

State Of Maharashtra And Anr ...Respondent(s)

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Mr. Kuldeep S. Patil i/b. Ms. Saili Dhuru, Advocate for the Petitioner.

Mr. Anand S. Shalgaonkar, APP for the Respondent – State.

Mr. Rohin R. Chauhan for the Respondent No.2.

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

DATE : 16th APRIL, 2024.

P.C.:

1. Not on board. Taken on board.
2. Petitioner is challenging FIR bearing C.R. No.125 of 2024 registered with Bharti Vdyapeeth Police Station, Pune for the offences punishable under Sections 376, 376(2)(n), 417, 504 of the Indian Penal Code, 1860, and under Sections 3(1)(r), 3(1)(w)(i), 3(1)(w)(ii), 3(2), 3(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The FIR was registeed on 7th February, 2024 at the instance of Respondent No.2

3. The Applicant and Respondent No.2 are present in the Court. It is submitted that they have resolved their dispute. It is stated by them they are going to perform marriage. Notice of marriage has been issued.

4. Respondent No.2 has no objection for quashing the FIR. She is represented by Advocate. She has filed an affidavit of consent for quashing the FIR along with it notice of intended marriage is annexed. The complainant has tendered an affidavit to the concerned police station indicating that the matter has been settled and she has no grievance against the Petitioner. We have perused the FIR which indicates that the accused and the complainant were acquainted with each other. There was promise of marriage. There was physical relation between each other which is apparently of consensual in nature.

5. Considering the factual matrix of the matter, the impugned FIR can be quashed.

ORDER

- i) Criminal Writ Petition No.1297 of 2024 is allowed and disposed off;
- ii) The proceedings in Special Case No.3225/2024 pending before the Court of Special Judge, Pune arising out of FIR bearing C.R. No.125 of 2024 registered with Bharti Vdyapeeth Police Station, Pune, is quashed and set aside.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)