

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2837 OF 2022

Rohit Bhagwan Gavari ...Petitioner
Versus
The State Of Maharashtra And Anr ...Respondents

Mr. N. V. Sawant Advocate for Petitioner.
Mr. Suryaprakash S. Dube a/w Ms. Sanjana S. Rane Advocate for
Respondent No.2.
Ms. K. T. Hivrale, APP for Respondent-State.
PSI Sonawane, Kanjurmarg Police Station is present.

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**CORAM : PRAKASH D. NAIK &
DR.NEELA GOKHALE, JJ.**

DATE : 5th APRIL 2024

P.C.:-

1. The petitioner is directed to remove the photographs of the parties annexed to this petition, immediately.
2. The petitioner is charge-sheeted for offences under Sections 376, 323, 506 of the Indian Penal Code, 1860. The proceedings are arising out of FIR dated 14th June 2019 registered with Kanjurmarg police station vide C.R. No.81 of 2019.
3. Learned Advocate for petitioner and respondent No.2 jointly submitted that, the parties have resolved their differences and the complainant/respondent No.2 does not want to pursue criminal prosecution against petitioner. Respondent No.2 has no objection for quashing the

impugned proceedings. The petitioner and respondent No.2 were having love affairs. Marriage could not be performed.

4. Respondent No.2 is present in the Court. Her affidavit is taken on record. She has no objection for quashing the impugned proceedings. She is represented by Advocate. In the affidavit it is stated that, she would withdraw all the allegations levelled against petitioner and there is compromise in order to live in peace. The impugned proceedings may be quashed.

5. We have perused the FIR and other documents annexed to this petition. From the tenor of the FIR it is apparent that, the first informant got acquainted with petitioner in 2017. There was friendship between them. In 2018, she was subjected to physical relationship. The FIR was lodged on 14th June 2019. The documents on record that the relationship was of consensual nature. Victim was major girl at the time of incident. There is settlement between the parties. The complainant has no objection for quashing the impugned proceedings.

ORDER

- (i) Criminal Writ Petition No. 2837 of 2022 is allowed;
- (ii) The impugned proceeding in Sessions Case No.1963 of 2019 arising out of FIR dated 14th June 2019 registered with Kanjurmarg Police Station vide C.R. No.81 of 2019 is quashed and set aside against the petitioner.
- (iii) The petitioner shall pay the cost of Rs.25,000/- to Advocates'

Association of Western India Generation Next within a period of four weeks from today and submit the receipt of the 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

(iv) Writ Petition stands disposed off.

(DR.NEELA GOKHALE, J.)

(PRAKASH D. NAIK, J.)