

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

WRIT PETITION NO. 1784 OF 2024

Mohd Irfan Yunus @ Irfan Khan	.. Petitioner
v/s.	
The State Of Maharashtra And anr	.. Respondents

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Ms. Anjali Awasthi for the Petitioner.
Mrs. M. M. Deshmukh, Addl. PP. for the Respondent.
Ms. Rachana Mahale for Intervenor.
PSI Shekhar A. Pawar, Juhu Police Station present.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.
DATE : 9th MAY, 2024.**

PC. :

1) Leave to amend to incorporate challenge to the Sessions Case No.64 of 2024 pending on the file of learned Additional Sessions Judge, Dindoshi, Mumbai is granted.

1.1) Amendment of incorporating additional prayer clause be carried out forthwith and in any event during the course of the day.

2) By the present Petition under Article 226 of the Constitution of India r/w. Section 482 of the Criminal Procedure Code, the Petitioner an accused in Sessions Case No.64 of 2024 arising out of C.R.No. 310 of 2023 dated 1st May 2023 registered with Juhu Police Station Mumbai, under Section 376 of the Indian Penal Code as prayed for quashing of the said case with the consent of Respondent No.2, the victim.

3) Ms. Awasthi learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 were having an affair and when their relations *interse* soured, the Respondent No.2 filed the present crime. She submitted that, now due to the intervention of family members and respected persons from the society, the Respondent No.2 has given her consent to settle their disputes and/or differences amicably, it would be appropriate that, the Petition may be allowed by quashing the said case with the consent of Respondent No.2.

4) Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has filed an affidavit dated 19th March 2024. It is stated that, the Respondent No.2 lodged the said crime in a fit of anger and when she learnt that the father of Petitioner is suffering from various ailments due to the arrest of his son, she considered to give her no objection for quashing of the case. That, in para No.4 thereof the Respondent No.2 has given her 'no objection' for quashing of the crime in question.

4.1) Respondent No.2 is personally present in the Court and though her Advocate reiterates the contents of her Affidavit dated 19th March 2024 and her 'no objection' for quashing of the crime in question.

5) Perusal of FIR indicates that, the Petitioner and Respondent No.2 came in contact with each other through internet mobile App by name MICO. Their acquaintance was developed in friendship which subsequently blossomed into an affair. That, by giving promise of marriage to the

Respondent No.2, the Petitioner established physical relations with her at various hotels in the vicinity of Mumbai. The Respondent No.2 subsequently realised that, the Petitioner is cheating her as he was also having an affair with some other girl. Subsequently, the Petitioner resiled from his promise of marriage, discontinued his relations with the Respondent No.2 and left to Dubai. In this brief premise present crime is registered.

5.1) Perusal of FIR further indicates that, the Petitioner and Respondent No.2 were in relations from January 2023 till the end of April 2023. The Respondent No.2 was major when she entered into relations with the Petitioner. It appears from the perusal of FIR that, the relations between the Respondent No.2 and Petitioner were consensual in nature.

6) In view thereof, we are inclined to quash C.R. No. 310 of 2023, dated 1st May 2023, registered with Juhu Police Station, Mumbai.

7) As we expressed our opinion for quashing of the said C.R. No. 310 of 2023, dated 1st May 2023, registered with Juhu Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.75,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order. The said statement is accepted as an undertaking given to this Court.

8) We therefore direct the Petitioner to pay a cost of Rs.75,000/- to the Advocates' Association of Western India Generation Next Fund,

Mumbai, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

8.1) Details of the bank account for payment of cost 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.

8.2) Petitioner to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

9) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).

10) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the Investigating Officer will complete the investigation of the present crime expeditiously.

11) List the Petition on board on 26th June 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)