

Crime No. 110 of 2021 registered with Bangur Nagar Police Station for offences under Sections 376(2)(n), 420, 354, 504, 506 of the Indian Penal Code.

4. The aforesaid crime was registered pursuant to the First Information Report lodged by respondent No. 2.

5. The facts narrated in the FIR reveal that the respondent No. 2 had come to Mumbai to start her career in film industry. She came in contact with the applicant No. 1. Their acquaintance led to friendship and later in live in relationship.

6. The respondent No. 2 has alleged that in January 2020, applicant No. 1 had forcible sexual relationship with her without her consent. It is stated that the applicant No. 1 continued having sexual relationship with her under the promise of marriage. The allegations are also made against the applicant No. 2, father of the applicant No. 1 for outraging her modesty by touching her inappropriately. Respondent No. 2 has also alleged that the applicant No. 1 had taken from her an amount of Rs. 25 Lakhs to purchase

vehicle. The applicant No. 1 later avoided meeting her and refused to marry her.

7. Learned counsel for the applicants and respondent No. 2 state that the parties have settled the dispute amicably. They have placed on record affidavit of respondent No. 2, wherein she has stated that dispute has been amicably settled and that she has no objection to quash the FIR.

8. Respondent No. 2 is present before the Court. She confirms the contents of the affidavit and reiterates that she does not wish to proceed against the applicants.

9. We are conscious of the fact that the offence under Section 376 of IPC is a serious offence and cannot be quashed with consent. Hence, we have gone through the FIR as well as other material placed before us. The facts narrated in the FIR reveal that the applicant No. 1 and respondent No. 2, both adults were living together and had sexual relationship on multiple occasions. The relationship is consensual and the consent is not vitiated by

misconception of fact. Under such circumstances, the essential ingredients of offence of rape as defined under Section 375 of IPC are not made out.

10. Since the parties have settled the dispute amicably, in our considered view, continuance of criminal proceedings will be an exercise in futility. Hence, this is a fit case to exercise powers under Sections 482 of the CrPC to prevent abuse of process of Court as well as to secure the ends of justice. Hence, the Application is allowed.

11. Crime No. 110 of 2021 registered with Bangur Nagar Police Station for offences under Sections 376(2)(n), 420, 354, 504, 506 of the Indian Penal Code is hereby quashed subject to payment of Rs. 1 Lakh each payable by the applicant No. 1 and respondent No. 2 to the Central Police Welfare Fund, Director General of Police, Maharashtra State, Mumbai within a period of three weeks from today. The details of the bank account for payment of cost are as under :

Bank Name : Axis Bank Ltd.
Branch Name : Worli, Mumbai [MH], Mumbai -

400 025.

Account Name : Central Police Welfare Fund

Account No. : 914010029005759

IFSC Code : UTIB0000060

12. Parties are put to notice that the order shall stand recalled, in the event the cost is not paid within the stipulated time.

13. The applicant No. 1 and respondent No. 2 to place on record copy of the receipt before the Registry within three weeks from today. The Registry shall list the matter before the Court for compliance, in the event cost is not paid and order is not complied with, within the stipulated time.

Digitally
signed by
MANGALTAI
JAYWANT
JADHAV
Date:
2024.02.05
19:12:17
+0530

(N.R. BORKAR, J.) (SMT. ANUJA PRABHUDESSAI, J.)