

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

CRIMINAL APPLICATION NO. 1243 OF 2022

Vijay Kanhaiyalal Bhatia And Anr. ...Applicants
Versus
State Of Maharashtra And Anr. ...Respondents

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Ms. Pooja Naik a/w Ms. Drishti Saigal i/by Mr. Narayan Bubna,
Advocate for the Applicants.

Mr. V. A. Kulkarni, APP for the Respondent – State.

Ms. Sapna Arora, Respondent No.2 present in person.

Mr. Pravin Ughade, PSI, Ulhasnagar Police Station.

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

DATE : 18th APRIL, 2024.

P.C.:

1. The Applicants are charge-sheeted for the offence under Sections 376, 376(2)(n), 420, 504, 506 r/w 34 of Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'FIR') was registered by Respondent No.2 alleging that she was subjected to sexual assault by the Applicant No.1. The Applicant No.2 to 6 are the relatives of Applicant No.1.

3. Learned Advocate for Applicants and Respondent No.2 jointly submitted that the parties have amicably settled the dispute.

The complainant has no objection for quashing the impugned proceedings.

4. The complainant is present in the Court. She is represented and identified by Advocate. She has asserted that the proceedings can be quashed. She has filed the affidavit consenting for quashing the proceedings.

5. We have perused the FIR. From the tenor of the FIR, it appears that the victim and the Accused No.1 were residing at some point of time together. There was physical relationship between them.

6. The differences are sorted out and complainant has no objection for quashing the impugned proceedings. The relationship appears to be consensual nature and hence the proceedings can be quashed. It is also pertinent to note that from the order dated 27th May, 2022 passed by learned JMFC in R.C.C. No.741 of 2022 it appears that the complainant had moved an application under Section 156(3) of Cr.P.C. alleging offences under Sections 376, 420 and 406 of IPC. Learned Magistrate directed to register an offence against Accused No.1 (Applicant No.1) for the offence punishable under Sections 376 and 420 of IPC. However, the FIR was registered against all the Applicants.

7. In view of the amicable settlement between the parties and consent of the complainant for quashing the proceeding, the relief sought in this application can be granted.

ORDER

- i. Criminal Application No.1243 of 2022 is allowed;
- ii. The proceedings arising out of FIR dated 6th June, 2022 registered with Ulhasnagar Police Station vide C.R. No.258 of 2022 is quashed and set aside.
- iii. The Applicant No.1 shall pay cost of Rs.25,000/- to Advocates Association of Western India Generation Next within a period of three weeks from today. The Account details are as under:

Account Name	: Advocates Association of Western India Generation Next
A/c No.	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001

- iv. Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)