

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1249 OF 2023

Satyam Kad

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Rohan Hogle, Advocate for Applicant.

Mr.A.S.Shalgaonkar, APP, for State.

Mr.Shekhar Mane, Advocate for Respondent no.2.

CORAM : PRAKASH D. NAIK AND
MANJUSHA DESHPANDE, JJ.

DATE : 22nd March 2024

PC :

1. Petitioner is arraigned as accused in FIR dated 17th May 2023 registered with Chakan Police Station vide FIR No.462 of 2023 for offences u/s.376(2)(f), 376(2)(n), 323, 504, 506 of Indian Penal Code. The FIR was registered at the instance of Respondent no.2. The grievance of complainant in nutshell is that she was a married lady. Her husband was detained in custody in relation to some offence. She was acquainted with Petitioner. There was physical relationship between them.

2. Learned advocate for Petitioner submitted that tenor of FIR indicate that relationship was of consensual nature. The complainant was a married lady. Her marriage has been dissolved by decree of divorce. The complainant and Petitioner had decided to perform marriage. Petitioner was not arrested in this case. However, presently he is in custody in some other offence which has been registered under the provisions of MCOC Act. The Petitioner and complainant has amicably settled the dispute.

3. Respondent no.2 was personally present in the Court yesterday. She is present in the Court today through Video Conferencing. She has expressed her no objection for quashing the FIR. She has filed affidavit dated 8th March 2024 in support of prayers sought in this petition. In the affidavit it is stated that complainant has dissolved her marriage and decree of divorce has been passed on 6th September 2023. Complainant has also stated that she would perform marriage with Petitioner.

4. Learned APP submitted that on completing investigation, report is submitted before concerned Court for granting summary as the offence is not made out. The report is placed on record. It is also submitted that Petitioner is involved in other cases and presently he is in custody in relation to case registered under MCOC Act. However, it is not disputed that present case is not considered for invoking provisions of MCOC Act.

5. Considering the peculiar facts of the case and tenor of FIR, it is clear that relationship was consensual in nature. Petitioner and complainant have decided to marry each other. The reliefs sought in this petition can be granted.

ORDER

- (i) Criminal Application No.1249 of 2023 is allowed and disposed off;
- (ii) FIR No.462 of 2023 registered with Chakan Police Station is quashed and set aside;
- (iii) The Applicant shall pay cost of Rs.50,000/- to Advocates Association of Western India Generation Next within a period of four 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) The Petitioner shall submit receipt of payment of cost in the Registry within one week from the date of payment.

(v) List the petition for reporting compliance after six weeks;

(vi) Petitioner is permitted to place on record fresh affidavits.

(MANJUSHA DESHPANDE, J.)

(PRAKASH D. NAIK, J.)

MST