

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.700 OF 2024  
WITH  
INTERIM APPLICATION NO.922 OF 2024

Akshay Vikas Kadam

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Nitin Vhatkar, Advocate for Petitioner.

Mr.V.A.Kulkarni, APP, for State.

Ms.Jyoti Khairmale, Advocate for Respondent no.2.

CORAM : PRAKASH D. NAIK AND  
N.R.BORKAR, JJ.

DATE : 1<sup>st</sup> March 2024

PC :

1. Leave to amend to delete names of Respondent nos.3 and 4. Amendment be carried out forthwith.
2. Petitioner is charge sheeted for offence u/s.376(2)(n) of Indian Penal Code. The charge sheet arises out of FIR registered at the instance of Respondent no.2 with Taloja Police Station on 26<sup>th</sup> April 2023 for offence u/s.376(2)(n) of IPC.
3. It is jointly submitted that there is amicable settlement between parties and complainant has no objection for quashing the impugned proceedings.
4. The complainant/Respondent no.2 is present in the Court. She has expressed her consent for quashing the proceedings. She has filed affidavit giving consent to quash the proceedings.

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5. We have perused the affidavit filed by Respondent no.2 wherein she has mentioned that she do not have any complaint against Petitioner of any nature and she gives consent for quashing the case being R.C.C No.679 of 2023.

6. We have perused the FIR registered by Respondent no.2. The factual matrix reproduced in the FIR mentions that Petitioner and complainant/Respondent no.2 were acquainted with each other from June-2022 till 17<sup>th</sup> April 2023. Under the promise of marriage the complainant was subjected to physical relationship. Both of them had stayed together and on account of differences in them the FIR in question was registered.

7. The allegations in the FIR and the documents which forms part of charge sheet, shows that relationship was consensual in nature. Since complainant/Respondent no.2 has no objection for quashing the proceedings, the petition can be allowed.

### **ORDER**

(i) Criminal Writ Petition No.700 of 2024 is allowed and disposed off;

(ii) The proceedings pending before Judicial Magistrate First Class, Panvel, Raigad being Regular Criminal Case No.679 of 2023 arising out of FIR No.138 of 2023 registered with Taloja Police Station, are quashed and set aside;

(iii) Petitioner shall pay costs of Rs.25,000/- within three weeks to Advocates Association of Western India Generation Next, in Account No.000110110007801, Bank of India, Mumbai Main Branch, having IFSC Code – BKID0000001, and submit receipt of payment in

Registry within one week thereafter;

- (iv) Interim Application No.922 of 2024 stands disposed off;
- (v) List the petition for reporting compliance after five weeks.

(N.R.BORKAR, J.)

(PRAKASH D. NAIK, J.)

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