

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1278 OF 2023

Virendra Munna Pal

...Petitioner

Versus

1. State Of Maharashtra

2. Mrs. Sunita Manoj Gupta

...Respondents

....

Mr. S. K. Saha i/by MKS Legal, Advocate for the Petitioner.

Mrs. M. M. Deshmukh, APP for Respondent-State.

Mr. Dishant Chitodia i/by Enlight Juris for Respondent No.2.

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

DATE : 12th APRIL 2024

P.C.:-

1. Not on board. Taken on board.
2. The petitioner is facing prosecution vide Sessions Case No.217 of 2017 pending before the Court of Sessions at Dindoshi, Borivali Division, Mumbai. Charge-sheet was filed pursuant to completion of investigation in respect to the FIR dated 24th March 2017 registered with Kandivali Police Station, Mumbai vide C.R. No.96 of 2017 for offences under Section 376(2) (n), 384, 534(D) and 506 of the Indian Penal Code, 1860.

3. Learned Advocates representing both the sides submitted that, there is amicable settlement between the petitioner and respondent No.2. The proceedings can be quashed with the consent of respondent No.2/complainant.

4. Respondent No.2 is present in the Court. She is represented by Advocate. She has filed affidavit of consent for quashing the proceedings.

5. From the tenor of the FIR it appears that the complainant was married lady. Her marriage was performed in the year 1996. The accused was acquainted with the family of complainant. He was their neighbour. In April 2006, the victim was subjected to physical relationship which continue allegedly under the threat issued by the accused. The relationship is apparently of consensual nature.

6. The complainant has filed affidavit stating that she has no objection for quashing the impugned proceedings as there is an amicable decision to move on in life by closing the prosecution and litigation.

7. Considering the aforesaid factual aspects, the proceedings can be quashed.

ORDER

(i) Criminal Writ Petition No. 1278 of 2023 is allowed;

(ii) The impugned proceedings in Sessions Case No.217 of 2017 pending before the Court of Sessions at Dindoshi, Borivali Division, Mumbai, arising out of FIR dated 24th March 2017 registered with Kandivali Police Station,

Mumbai vide C.R. No.96 of 2017 is quashed and set aside.

(iii) The Petitioner shall pay the cost of Rs.25,000/- to Advocates' Association of Western India Generation Next within a period of three weeks from today and submit the receipt of the same in the Registry of this Court. The details of the Bank Account for payment of costs 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

(iv) Criminal Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)