

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 1494 OF 2023

Jitendra Bandu Jagtap

...Applicant

Versus

State Of Maharashtra And Anr

...Respondents

Mr. Jigar Agarwal Advocate for Applicant.

Ms. Rutuja Ambekar, APP for Respondent-State.

Mr.Hijra N. Shaikh h/f Suman Maurya Advocate for Respondent No.2.

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

DATE : 27th MARCH 2024

P.C.:-

1. Not on board. Taken on board.
2. The applicant is charge-sheeted in C.C. No.1304/PW/2023 pending before the Court of Metropolitan Magistrate, 29th Court, Sewri, Mumbai for offences under Sections 376(2)(n), 500, 506, 323 of the Indian Penal Code, 1860 vide C.R. No.282 of 2023 registered with Bhoiwada Police Station, Dadar, Mumbai.
3. FIR was lodged on 19th July 2023 at the instance of Respondent No.2 alleging that she was acquainted with accused. Both of them employed with the same company. She was subjected to sexual relationship.
4. Learned Advocate for applicant submitted that the relationship was

apparently of consensual nature. The complainant and the accused were both married persons. The complainant has no objection for quashing the proceedings.

5. The complainant/Respondent No.2 is present in the Court. She has no objection for quashing the proceedings. She is represented by Advocate. She has filed affidavit of consent. In the affidavit it is stated that there is amicable settlement between her and accused. They have decided to withdraw all the allegations against each other. She is giving her willful consent for quashing the FIR without any force or coercion. Affidavit is taken on record.

6. On perusal of the FIR it is apparent that the relationship was of consensual nature. The complainant and accused has resolved the differences and the complainant has no objection for quashing the present proceedings.

ORDER

- (i) Criminal Application (APL) No.1494 of 2023 is allowed;
- (ii) The proceedings in C.C. No.1304/PW/2023 pending before the Court of Metropolitan Magistrate, 29th Court, Sewri, Mumbai vide C.R. No.282 of 2023 registered with Bhoiwada Police Station is quashed and set aside against the applicant.
- (iii) The Applicant shall pay the cost of Rs.50,000/- to Advocates' Association of Western India Generation Next within a period of four 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) Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)