

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

CRIMINAL APPLICATION (APL) NO. 1649 OF 2023

Akshay Janardan Morkhade Applicant
V/s.
State Of Maharashtra And Anr. Respondents

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Mr. Zaheerkhan A. Pathan, for the Applicant.

Mrs. Rutuja Ambekar, A.P.P. for the Respondent No.1 – State.

Mr. Zaid Anwar Qureshi, for the Respondent No.2.

Ms. Sakshi Rajesh Dhone, Complainant, is present.

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**CORAM : PRAKASH D. NAIK, &
MANJUSHA DESHPANDE, JJ.**

DATE : 22nd MARCH, 2024.

P.C.:

1. The Applicant is challenging the charge-sheet arising out of First Information Report (for short “FIR”) No. 609 of 2023, registered with Chaturshrungi Police Station, Pune, on 30th August, 2023, for the offences punishable under Section 376, 376(2)(n), 417, 420 of the Indian Penal Code (for short “IPC”).

2. The complainant i.e. the Respondent No.2, has alleged that she was acquainted with the accused from June, 2021 till August, 2023. She had intimate relationship with him. They visited several places and there was physical relationship between them. The accused made false

promise of marriage. He was already a married person.

3. Learned Advocate for the Applicant submitted that contents of the FIR would indicate that the relationship was of consensual in nature. Although, the Applicant had married in the past, he had obtained divorce from his wife. There was no false promise of marriage.

4. Learned Advocate for the Respondent No.2 submitted that the Respondent No.2/complainant has no objection for quashing the proceedings. There is amicable settlement between the Petitioner and complainant.

5. The Respondent No.2/complainant is present in the Court. She has asserted that she has no objection for quashing the proceedings. Affidavit of consent for quashing of FIR and proceedings is filed on behalf of the Respondent No.2/complainant and the Consent Terms/Memorandum of Understanding are also executed between the Applicant and the Respondent No.2.

6. Considering the nature of relationship between the Applicant and the Respondent No.2 and the fact that they have resolved the differences between them and Respondent No.2 has no objection for quashing the proceedings, the impugned proceedings and FIR can be quashed.

ORDER

- i) Criminal Application (Apl) No. 1649 of 2023 is allowed and disposed off;
- ii) Criminal Proceedings in S.C. No. 1161 of 2023, which are arising out of FIR No.609 of 2023, dated 30th August, 2023, registered with Chaturshrungi Police Station, Pune, is quashed and set aside.
- iii) The Applicant shall pay cost of Rs.1,00,000/- 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 receipt of payment of cost be produced in the Registry of this Court within one week thereafter.
- v) List the application for reporting the compliance on 3rd May, 2024.

(MANJUSHA DESHPANDE, J.)**(PRAKASH D. NAIK, J.)**