

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 960 OF 2024**

Pushkar P. Pingle

... Petitioner

V/s.

1. The State of Maharashtra & Anr.

2. XYZ

... Respondents

Mr. Kushal Mor i/b Marmik Shah for Petitioner.A

Adv. Manpreet Kaur a/w Mr. Samar Pal, Ms. Prapti Bhadra i/b Falcon Legal for Respondent No.2.

Smt. M.H. Mhatre, A.P.P. for Respondent No.1.-State.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 1st August 2024****P.C. :**

1) Petitioner, accused in Sessions Case No.SC/425/2023, pending on the file of the learned Additional Sessions Judge, 15th Sessions Court, Dindoshi, Mumbai, arising out of C.R. No.182/2022, registered with Andheri Police Station, Mumbai, under Sections 376(2)(n), 354-A, 354-C, 328, 509, 506 and 504 of the Indian Penal Code and Section 67-A of the Information Technology Act, 2000, has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of the said case with the consent of Respondent No.2, the victim.

2) Mr. Mor, learned Advocate for the Petitioner, submitted that, in

the interregnum, the Petitioner and Respondent No.2 have settled their disputes and differences and the Respondent No.2 has filed an Affidavit dated 17th July 2024, giving her consent for quashing of the said crime.

3) Learned Advocate appearing for Respondent No.2 admitted the fact of filing of Affidavit by Respondent No.2 dated 17th July 2024, affirmed before the Consulate General of India, Dubai. It is stated therein that, the parties herein have amicably settled their disputes and in para No.4 thereof, she has given her no objection for quashing of the present crime.

3.1) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has given her authority to admit the contents of her Affidavit dated 17th July 2024 and to give her 'no objection' for quashing of the crime in question.

4) Perusal of the F.I.R. indicates that, Respondent No.2 was an adult lady, having grown up children when the alleged first sexual assault on her took place in July 2020. It further indicates that, Respondent No.2 was the consenting party to the alleged act as contemplated under Section 376(2) (n) of the I.P.C. and relations between the Petitioner and Respondent No.2 were consensual in nature.

5) In view thereof, we are inclined to quash Sessions Case No.SC/425/2023, pending on the file of the learned Additional Sessions Judge, 15th Sessions Court, Dindoshi, Mumbai, arising out of C.R. No.182/2022, registered with Andheri Police Station, Mumbai.

6) As we expressed our opinion for quashing of said Sessions Case No.SC/425/2023, pending on the file of the learned Additional Sessions Judge, 15th Sessions Court, Dindoshi, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to the Central Police Welfare Fund, Maharashtra State within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the Petitioner to pay the cost of Rs.50,000/- to the Central Police Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

7.1) Details of the bank Account for payment of cost are as under :-

Bank Name	:-	Axis Bank Limited.
Branch Name	:-	Worli, Mumbai, Mumbai-400 025.
Account Name	:-	Central Police Welfare Fund
Account Number	:-	914010029005759
IFSC Code	:-	UTIB0000060

7.2) Petitioner to deposit the said cost of Rs.50,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of above and subject to payment of cost, Petition is

allowed in terms of prayer clause (a).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the hearing of the said Sessions Case No.SC/425/2023 expeditiously.

10) List the Petition on board on 2nd September 2024, under caption 'for reporting compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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by RAJESH
VASANT
CHITTEWAN
Date: 2024.08.13
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