

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3361 OF 2024**

Mr. Sahil Islam Shaikh,
Age:27 years, Car Painter,
Residing at Plot No. 114, Room No. D/6,
Malwani Sankalp Mhada, Malwani Malad West,
Malwani, Mumbai Suburban,
Maharashtra – 400 095.Petitioner

Vs.

1. The State of Maharashtra
(Through Malwani Police Station vide C. R.
No. 841 of 2023).
2. Nafisa Ahmed Shaikh,
Age:24 Years, Occupation:Service,
Residing at Room No. 52, Plot No. 14,
New Collector Compound, Gate No. 6,
Malwani, Malad West, Mumbai.Respondents

Mr. Faisal F. Shaikh a/w Mr. Kainat Shaikh for the Petitioner.
Mr. Vinod Chate, A.P.P. for the Respondent-State.
Mr. Shivam Deshmukh for Respondent No. 2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 9th AUGUST 2024.**

JUDGMENT (Per Dr. Neela Gokhale, J.) :-

1) By the present Petition, the Petitioner is seeking to quash Sessions Case No. 737 of 2023 pending before the learned Sessions Judge at Dindoshi, arising out of the First Information Report (F.I.R.) bearing C.R. No. 841 of 2023 dated 7th July 2023 registered with Malvani Police Station,

Mumbai for the offense punishable under Sections 376, 376(2)(n) & 506 of the Indian Penal Code, 1860 ("I.P.C.").

2) The Petitioner is a friend of Respondent No. 2 and thus they were acquainted with each other. Respondent no. 2 met the Petitioner at their friend's wedding. Subsequently, they both got conversant with each other and started chatting over the phone calls and used to meet. Later, the Petitioner took the Respondent No. 2 at his home and introduced her to his family. It is the case of Respondent No. 2 that, they fell in love and started to have intimate relations with each other. There was some misunderstanding between the parties on account of the Petitioner failing to marry her. Hence she filed the F.I.R. impugned herein.

3) Mr. Faisal F. Shaikh, learned counsel appears for the Petitioner. Mr. Shivam Deshmukh, learned counsel appears for the Respondent No. 2 and Mr. Vinod Chate, learned A.P.P. represents the State.

4) Both the counsels stated that, the parties have arrived at a amicable settlement and are not desirous of continuing the proceedings. Mr. Shaikh therefore prayed that, the said Criminal proceedings may be quashed as the Respondent No. 2 has consented for the same. The Respondent No. 2 has filed an Affidavit dated 2nd August 2024 to that effect.

5) Learned Advocate for the Respondent No. 2 on instructions concedes to the fact of filing of the Affidavit dated 2nd August 2024 by Respondent No. 2. That, in paragraph nos. 2 & 3 thereof, she has given the

consent to quash the F.I.R. and has further given her no objection to quash the subsequent criminal proceedings against the Petitioner.

6) Respondent No. 2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 2nd August 2024 and her 'no objection' for quashing of the crime in question.

7) In view thereof, we are inclined to quash the Sessions Case No. 737 of 2023 pending before the learned Sessions Judge at Dindoshi, arising out of the F.I.R. bearing C.R. No. 841 of 2023 dated 7th July 2023 registered with Malvani Police Station, Mumbai.

8) As we expressed our opinion for quashing of the Sessions Case No. 737 of 2023 pending before the learned Sessions Judge at Dindoshi, arising out of the F.I.R. bearing C.R. No. 841 of 2023 dated 7th July 2023 registered with Malvani Police Station, Mumbai, Mr. Faisal Shaikh, learned Advocate for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) to the Central Police Welfare Fund of the Maharashtra Police, 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.

9) We therefore direct the Petitioner to pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only), to the Central Police Welfare Fund of

the Maharashtra Police, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

9.1) The details of the Bank Account for payment of cost are as under :-

Bank Name :- Axis Bank Limited

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

9.2) Petitioner to deposit the said cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only), within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

10) In view of the above and subject to payment of cost, Petition is allowed in terms of prayer clause (b).

11) 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 Investigating Officer will complete the investigation of the present crime expeditiously.

12) List the Petition on board on 30th August 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)