

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3692 OF 2024**

Anurag Amarjeet Singh

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Swapnil Ambure a/w Adv. Ravi Suryawanshi, Adv. Tanvi Nandgaonkar, Adv. Archis Bhatt and Adv. Amogh Khadye i/by Bar & Brief Attorneys for the Petitioner.

Mr. Ashish I. Satpute APP, for the Respondent-State.

Adv. Karni Singh i/by Adv. Sarla Vijay Shinde for the Respondent No.2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 28th AUGUST, 2024.

P.C.:-

1) Petitioner, accused in R.C.C. No. 512 of 2024 pending on the file of J.M.F.C., Panvel arising out of C.R. No.0141 of 2024, dated 26th April, 2024 registered with Kharghar Police Station, Navi Mumbai, under Sections 376, 376(2)(n), 377, 420, 323 and 506(2) of the Indian Penal Code, has invoked 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) At the outset, Mr. Ambure, learned counsel for the Petitioner submitted that, the said case is not yet committed to the Court of Sessions and it is awaiting for committal. The said statement is accepted.

3) Learned Advocate for the Petitioner submitted that, the relations between the Petitioner and the Respondent No.2 in fact were consensual in nature however when the Petitioner could not return the amount advanced by the Respondent No.2, the relations got strained and thereafter the Respondent No.2 has lodged present crime. He submitted that, now the parties herein have settled the matter amicably and the Respondent No.2 has agreed to give her consent for quashing of the said case. He therefore prayed that, the said case may be quashed with consent of the Respondent No.2.

4) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has tendered across the bar her Affidavit dated 26th August, 2024 duly affirmed before a Notary Public at Ghaziabad, State of Uttar Pradesh. In paragraph No.4 of the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement and execution of settlement Agreement dated 22nd July, 2024. In paragraph No.4 thereof, Respondent No.2 has given her unconditional consent for quashing of the said case.

4.1) Though Respondent No.2 is not personally present in the Court, Advocate Mr. Karni Singh, appearing on her behalf on instructions reiterates the contents of her Affidavit dated 26th August, 2024 and her 'no objection' for quashing of the crime in question.

5) Perusal of FIR indicates that, on the date of lodgment of the present crime, the Respondent No.2 was aged about 39 years and was mother of two children. She has also admitted that, she was having relations with the Petitioner for four years prior to the lodgment of the crime. It appears from the record that, the Respondent No.2 had advanced certain amount to the Petitioner and as the Petitioner was unable to repay the same, their relations got soured. Respondent No.2 thereafter lodged present crime out of despair and frustration. It appears to us that, the relations between the Petitioner and Respondent No.2 were consensual in nature.

6) In view thereof, we are inclined to quash R.C.C. No. 512 of 2024 pending on the file of J.M.F.C., Panvel arising out of C.R. No.0141 of 2024, registered with Kharghar Police Station, Navi Mumbai.

7) As we expressed our opinion for quashing of said R.C.C. No. 512 of 2024 pending on the file of J.M.F.C., Panvel arising out of C.R. No.0141 of 2024, registered with Kharghar Police Station, Navi Mumbai, learned counsel for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.2,00,000/- to the Armed Forces Battle Casualties Welfare Fund 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.

7.1) As the Respondent No.2 is successful in bringing settlement by lodgment of present crime and recovering an amount of Rs.1.75 crore from the Petitioner, learned Advocate for the Respondent No.2 on instructions submitted that, the Respondent No.2 will also pay a cost of Rs.2,00,000/- to the Armed Forces Battle Casualties Welfare Fund 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 also accepted as an undertaking given to this Court.

7.2) We therefore direct the Petitioner and Respondent No. 2 to pay cost of Rs.2,00,000/- each to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

7.3) The details of the bank Account for payment of cost are as under:-

Name of Fund :- Armed Forces Battle Casualties Welfare Fund.

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi-110011.

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

Type of Account :- Saving

- 7.4) Petitioner and the Respondent No.2 to deposit the said cost of Rs.2,00,000/- each respectively within stipulated period as noted above and submit the receipts of the same in the Registry of this Court.
- 8) In view of above, subject to payment of cost, Petition is allowed in terms of prayer clauses (b) and (c).
- 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 shall proceed with the criminal proceedings expeditiously.
- 10) List the Petition on 19th September, 2024 under caption '*for reporting compliance*' of present Order.
- 11) All the concerned to act on the basis of an authenticated copy of this Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date:
2024.09.03
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