

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

CRIMINAL WRIT PETITION NO. 4386 OF 2024

Nitesh Attar Singh Laliya

.....Petitioner

Versus

The State of Maharashtra & Anr.

.....Respondents

Ms. Keerti Gupta, Advocate for the Petitioner.

Smt. Madhavi H. Mhatre, A.P.P. for the Respondent-State.

Mr. Ashish Dubey a/w Mr. Rahul Tripathi, Advocate for Respondent No. 2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 25th NOVEMBER 2024.

P.C.:-

1. This Petition is filed for quashing of the F.I.R. being C.R. No. 449 of 2024 dated 10th August 2024 registered with Charkop Police Station, Mumbai for the offence punishable under Sections 323, 376(2)(n) & 504 of the Indian Penal Code, 1860.
2. Leave to amend to mask name of Respondent No. 2 in the Petition is granted.
3. Heard.
4. The F.I.R. is lodged by Respondent No. 2. She has stated

that she was working in a company in May 2022. The Petitioner used to frequently visit her office with some clients of the company, as he was a real estate agent. The F.I.R. goes on to mention that they developed love relationship and had consensual physical relations on number of occasions. The informant also had helped the Petitioner financially. On 8th May 2024, there was an engagement ceremony between the parties. The Petitioner's grand-mother was in her last stages. The informant was taken to the Petitioner's native place in Rajasthan. There, his family insisted that both of them should get married. However, she wanted to get married in front of her family and therefore their marriage did not take place. Subsequently there was some misunderstanding between both of them as the informant was under the impression that the Petitioner was having affairs with other girls. Ultimately she lodged the F.I.R. against the Petitioner.

5. Now the matter is amicably settled between the parties and infact both of them got married and are staying together. The first informant has filed an Affidavit of today's date before the Court, duly affirmed before the Assistant Registrar of this

Court. She has stated therein that the matter is settled amicably between both of them and they got married on 7th September 2024. The informant is interviewed by one of us (Justice Dr. Neela Gokhale) in her chambers. The informant reiterated her stand taken in the Affidavit.

6. Since the dispute, which was the subject matter of F.I.R., was purely personal between both of them and since both of them got married and are staying together and since both of them were adult at that point of time, we are inclined to allow this Petition subject to payment of some costs, as the State machinery is needlessly used in this process. Hence, the following order :-

ORDER

a. The F.I.R. being C.R. No. 449 of 2024 dated 10th August 2024 registered with Charkop Police Station, Mumbai for the offence punishable under Sections 323, 376(2)(n) & 504 of the Indian Penal Code, 1860, is hereby quashed and set aside.

b. The Petitioner to deposit Rs. 25,000/- with the Armed Forces Battle Casualties Welfare Fund within a period of four weeks from today. The details of the Bank Account for

payment of cost are as under :-

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi – 110 011

Account Name :- Armed Forces Battle Casualties Welfare Fund

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

c. If such an amount is deposited by the Petitioner within stipulated period, there shall be no further reference to the Court, but if it is not so deposited, the Registry shall place this matter before the Court pointing out non-compliance of this order. In that case, the order would be liable to be recalled.

7. With these observations, the Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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by GITALAXMI
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Date:
2024.11.27
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