

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

CRIMINAL WRIT PETITION NO. 5723 OF 2024

Sagar Malku Patekar

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Ms. Nisha Gaikwad for Petitioner.

Smt. Anamika Malhotra, APP for State/Respondent.

Ms. Sheetal Pakhare for Respondent No.2.

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

DATE : 16 DECEMBER 2024

PC :

1. Leave to amend to mask the name of the Respondent No.2. Amendment shall be carried out forthwith.

2. The present petition is for quashing of the F.I.R. registered vide the C.R.No.38 of 2021 at Vishrantwadi police station, Pune, under sections 376, 376(2)(n) and 417 of the I.P.C. The investigation is over and it is resulted in R.C.C.No.103 of 2021 pending before the J.M.F.C., Khadki, Pune and is awaiting committal to the Court of Sessions. At this stage, parties have

settled the matter. Though, the petition is filed on merits of the matter, both the parties submitted before the Court that the matter is settled and, therefore, the proceedings be quashed by consent.

3. The F.I.R. is lodged by the Respondent No.2. She has stated that, she got acquainted with the petitioner in the year 2016 through a social networking site. They got friendly and the Respondent No.2 developed liking for him. He promised to marry her. She accepted his proposal. In April 2016, the petitioner took her to a lodge and then developed physical relations with her, though, she was not willing. He had promised to marry her. The same act was repeated on a number of occasions between the year 2016 to 2020. After that, the petitioner started avoiding her. On one occasion, he had given her overdose of sleeping pills. Even after that she did not lodge her complaint. But when she was convinced that the petitioner was not marrying her, she lodged this F.I.R. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains statements of her father, her medical examination and the statement of the person connected with that particular lodge.

4. The parties have now settled the matter. We examined whether the matter can be settled in view of the allegations of the offences mentioned herein above. When we perused the F.I.R., it appears that the physical relations were consensual. The Respondent No.2 was aware that the petitioner was not taking any definite steps to get married with her and yet she continued to have continuous physical relations with him for a period of four years. Therefore, it appears that, it was a consensual physical relationship. The Respondent No.2 was interviewed by one of us (Coram: Dr. Neela Gokhale, J.) in her chambers. The Respondent No.2 reiterated that the matter is settled. She further stated that, she wants to get married and move on in her life peacefully forgetting her past. She has filed an affidavit, wherein, she has given her clear no objection for quashing of the present proceedings.

5. As mentioned earlier, we can see that it was a consensual physical relationship. The parties have settled the matter. The Respondent No.2 does not want to proceed further. Therefore, continuation of the proceedings would not be in the interest of

justice. In view of this, we see no impediment in quashing the proceedings.

6. Since the police machinery was unnecessarily used, we impose cost of Rs.20000/- to be paid to the Police Welfare Fund, within a period of four weeks from today.

7. Hence, the following order:

ORDER

- i) The F.I.R. registered vide the C.R.No.38 of 2021 at Vishrantwadi police station, Pune, under sections 376, 376(2)(n) and 417 of the I.P.C. and the resulted proceedings bearing R.C.C.No.103 of 2021 pending before the J.M.F.C., Khadki, Pune are quashed and set aside.
- ii) The Petitioner shall pay a cost of Rs.20000/- for setting the police machinery in motion and for the efforts that the investigating agency has put in for investigating the matter.
- iii) The cost shall be paid to the Central Police Welfare Fund within a period of four weeks from the date of uploading of present order on the

official website of High Court of Bombay.

1. Details of the bank account for payment of cost are as under:

Bank Name : Axis Bank Limited.

Branch Name : Worli, Mumbai (H.H.)
Mumbai-400025

Account Name : Central Police Welfare
Fund

Account No. : 914010029005759

IFSC Code : UTIB00000060

- iv) If such amount is paid within the stipulated time, and the acknowledgment is shown in the Registry, there shall be no further reference to the Court.
- v) If the cost is not paid by the petitioner within the stipulated period as mentioned above, the Registry shall place this matter for further consideration on 24.02.2025. In that case, this order is liable to be recalled and the prosecution can be revived.
- vi) The writ petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)