

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 951 OF 2024**

Mr. Irfan Abdul Aziz Chaudhari,
Aged 36 years, Occ.:Service,
residing at EX/13, Iraniwadi,
Chincholi Gate Road, Opp. Fly Over Bridge,
Malad (East), Mumbai:400097.Applicant

Vs.

1. X.Y.Z.
(Through Senior Inspector of Police,
Vanrai Police Station).
2. The State of Maharashtra,
(Through Sr. Inspector of Police,
Vanrai Police Station).Respondents

Dr. Samarth Shrikant Karmarkar a/w Ms. Sumitra Jadhav, Ms. Supriya A. Pandey i/b Karmarkar & Associates for the Applicant.
Mr. Vinod Chate, A.P.P. for the Respondent-State.
Ms. Reshma Apte a/w Ms. Prajakta Khedkar & Mr. Vrindavan Patil for Respondent No. 1.
Pairavi P.S.I. Mr. Khandagale, Vanrai Police Station present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**
DATE : 30th AUGUST 2024.

P.C.:-

- 1) Applicant seeks quashing of C.C. No. 3040/PW/2024 pending on the file of learned Judicial Magistrate First Class, 17th Court, Borivali, Mumbai, arising out of C. R. No. 136 of 2024 dated 16th April 2024 registered with Vanrai Police Station, Mumbai for the offence punishable

under Sections 376 & 376(2)(n) of the Indian Penal Code, 1860 (I.P.C.), with the consent of Respondent No. 1, the victim.

2) The criminal proceedings arose out of misunderstanding between the parties relating to their consensual relationship. It is alleged by the Respondent No. 1 that, the parties had intimate relationship on account of an assurance given by the Applicant that he will marry her. She states that, there was some misunderstanding between the parties leading to discord between them. She thus, filed the subject F.I.R. giving rise to the criminal proceedings.

3) Applicant and the Respondent No. 1 have cleared their misunderstanding and have decided to amicably resolve the dispute. She has thus agreed to give her consent for quashing of the criminal proceedings.

4) Mr. Samarth Karmarkar, learned counsel appears for the Applicant and Ms. Reshma Apte, learned counsel appears for the Respondent No. 1. Mr. Vinod Chate, learned A.P.P. represents the State.

5) Respondent No. 1 has filed an Affidavit dated 23rd July 2024, duly affirmed before a Notary Public. In paragraph no. 4 thereof, she has given her no objection to quash the criminal proceedings. She stated that, she has given her consent without any force, fraud or coercion at the hands of the Applicant or any other person. She further states that, she and the Applicant had resolved the dispute amicably.

6) Respondent No. 1 is personally present in the Court today. Through her counsel, she reiterated the statements made by her in the Affidavit. We accept the said statements.

7) Considering the circumstances and the averments made in the Affidavit, we are inclined to quash and set aside C.C. No. 3040/PW/2024 pending on the file of learned Judicial Magistrate First Class, 17th Court, Borivali, Mumbai, arising out of C. R. No. 136 of 2024 dated 16th April 2024 registered with Vanrai Police Station, Mumbai.

8) As we expressed our opinion for quashing of said C.C. No. 3040/PW/2024 pending on the file of learned Judicial Magistrate First Class, 17th Court, Borivali, Mumbai, arising out of C. R. No. 136 of 2024 dated 16th April 2024 registered with Vanrai Police Station, Mumbai, Mr. Karmarkar, learned counsel for the Applicant on instructions submitted that, the Applicant will pay a cost of Rs. 50,000/- (Rupees Fifty Thousand Only) 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.

9) We therefore direct the Applicant to pay cost of Rs. 50,000/- (Rupees Fifty Thousand Only) 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.

9.1) 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

9.2) Applicant to deposit the said cost of Rs. 50,000/- (Rupees Fifty 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 by the Applicant, Application is allowed in terms of prayer clause (a).

11) It is made clear that, if the cost is not paid within stipulated period as mentioned above by the Applicant, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said C.C. No. 3040/PW/2024 expeditiously.

12) List the Application on board on 20th September 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)