

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 3471 OF 2024**

Ankit Rajendra Trivedi

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Aman A. Kothari i/b Mr. Vaibhav Bagade for Petitioner.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

Mr. Shadab Khopekhar for Respondent No.2.

**CORAM : A. S. GADKARI AND
AARTI SATHE, JJ.****DATE : 19th August 2025.****P.C. :**

1) By this Petition under Article 226 of the Constitution of India, the Petitioner, accused in R.C.C. No. 368 of 2025, pending on the file of learned 2nd Joint Civil Judge Junior Division Mira-Bhaynadar, District Thane, arising out of C.R. No. I 0042 of 2024, dated 1st April 2024, registered with Uttan Sagari Police Station, Mira-Bhayandar, Vasai-Virar Police Commissionerate, Thane, punishable under Sections 376(2)(n) of the Indian Penal Code (IPC), is seeking quashing of the said case, with the consent of Respondent No.2, the victim.

2) Mr. Kothari, learned Advocate for the Petitioner submitted that, due to intervention of the well-wishers and family friends, the disputes and

differences between the Petitioner and Respondent No.2 have now been settled and Respondent No.2 is giving her consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Mr. Khopekar, learned Advocate for Respondent No.2 submitted that, Respondent No.2 has already filed on record Consent Terms dated 12th July 2024 and her Affidavit of Consent dated 12th July 2024. In the said Affidavit, it is stated that, the Petitioner and Respondent No.2 have executed Consent Terms dated 12th July 2024. That, she has shifted to her home town in Haryana. That, Respondent No.2 is giving her consent for quashing of the crime in question.

3.1) Though, the Respondent No.2 is not personally present in the Court, Mr. Khopekar, learned Advocate for Respondent No.2 submitted that, Respondent No.2 has given him Authority to admit the contents of her Affidavit dated 12th July 2024 and to give her No Objection for quashing of the crime in question.

4) Perusal of the First Information Report indicates that, the Petitioner was working with Thyrocare Lab. Pursuant to a request submitted to the said Lab, the Petitioner had been to the house of Respondent No.2 for collecting blood samples. Subsequently, their acquaintance was turned into friendship and their friendship in turn blossomed into an affair. It is stated in the FIR that, Petitioner lured the Respondent No.2 and took her at various

hotels in the jurisdiction of Mira-Bhayandar City. That, sometimes, the physical relations between the Petitioner and Respondent No.2 were established with the consent of Respondent No.2. Petitioner subsequently, promised to marry with the Respondent No.2 and further established physical relations with her. Subsequently, the Petitioner resiled from his promise. The Petitioner gave reason for resiling from his promise, as the Respondent No.2 was already married and had a daughter from her earlier marriage. Their relations subsequently got sored and therefore the Respondent No.2 has lodged present crime.

4.1) Perusal of First Information Report clearly indicates that, when the Respondent No.2 entered into relations with the Petitioner, she was already a married woman and had a daughter from her earlier marriage. The relations between Petitioner and Respondent No.2 appears to be of consensual in nature.

5) In view of the above, we are inclined to quash R.C.C. No. 368 of 2025, pending on the file of learned 2nd Joint Civil Judge Junior Division Mira-Bhayandar, District Thane, arising out of C.R. No. I 0042 of 2024, dated 1st April 2024, registered with Uttan Sagari Police Station, Mira-Bhayandar, Vasai-Virar Police Commissionerate, Thane.

6) As we expressed our opinion for quashing of the said case, Mr. Kothari, learned Advocate for the Petitioners on instructions submitted that, for quashing of the said case, the Petitioner will voluntarily pay a cost of Rs.

1,00,000/- to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.1) As and by way of settlement with the Petitioner, the Respondent No.2 is benefited with a sum of Rs. 3,00,000/-. The said fact is admitted by her in para No. 5 of Affidavit dated 12th July 2024. Learned Advocate for Respondent No.2 therefore submitted that, Respondent No.2 will also voluntarily pay a cost of Rs. 25,000/- to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.2) We therefore direct the Petitioner to pay a cost of Rs. 1,00,000/- and Respondent No.2 to pay a cost of Rs. 25,000/- to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay.

6.3) Details of the bank account for payment of cost are as under :-

Account Name	:-	Armed Forces Battle Casualties Welfare Fund (AFBCWF)
Account Number	:-	90552010165915.

Bank Name :- Canara Bank Ltd. DoD, South Block
IFSC Code :- CNRB0019055.

6.4) Petitioner so also the Respondent No.2 to pay aforesaid cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

7) In view of the above and subject to payment of the said cost within stipulated period as noted above, R.C.C. No. 368 of 2025, pending on the file of learned 2nd Joint Civil Judge Junior Division Mira-Bhaynadar, District Thane, arising out of C.R. No. I 0042 of 2024, dated 1st April 2024, registered with Uttan Sagari Police Station, Mira-Bhayandar, Vasai-Virar Police Commissionerate, Thane, is hereby quashed.

8) It is made clear that, if the said cost is not paid within stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the learned Magistrate will proceed to commit the said case and then the Sessions Court will proceed with the hearing of the case and conclude it expeditiously.

9) List the Petition on board on 1st October 2025, under the caption 'For Reporting Compliance' of present Order.

(AARTI SATHE, J.)

(A.S. GADKARI, J.)