

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

CRIMINAL APPLICATION NO.619 OF 2024

Jitendra Dinesh Mandal

.... Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Shreyas Jain i/b. Aequitas Legal's, Advocate for Applicant.
- Mr. J. P. Yagnik, APP for the State/Respondent.
- Mr. Akshay Kalbande, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 11th FEBRUARY, 2025

P.C. :

1. Leave to amend to add the Session Case number as the case is already committed to the Court of Session. Leave is also granted to mask the name of the Respondent No.2. Amendment shall be carried out forthwith.

2. This application is filed for quashing of the C.R. No.269/2021 dated 22/04/2021 registered at Wakola Police Station and the subsequent proceedings u/s 376(2)(n), 323, 504 of the Indian Penal Code.

3. Heard Mr. Shreyas Jain, learned Counsel for the Petitioner, Mr. Akshay Kalbande, learned counsel for the Respondent No.2 and Mr. J. P. Yagnik, learned APP for the State.

4. The FIR is lodged by the Respondent No.2. She has stated that at the time of registration of the FIR she was 27 years of age. She was working in a company since 2017. She came in contact with the Applicant in February 2018. He told the informant that he liked her. He had also informed her that he was already married. Initially, the Respondent No.2 did not respond. But because of his persistent proposals, she developed love relations. The FIR thereafter goes on to mention numerous occasions on which they had their physical relations at different places between the period 14/05/2019 to 16/03/2021. It is her case that, the Applicant had told her that he would obtain divorce from his wife and would marry her. But he did not take steps in that direction and therefore, this FIR was lodged.

5. From the FIR it is quite clear that the informant was

aware that the Applicant was married. Their physical relations continued for about 2 years. Even during that period she was aware that he was not taking any definite steps for obtaining divorce from his wife and to get married with her. In spite of that, she had physical relations at different places on many occasions. But clearly it was a consensual physical relationship. She was an adult and she was fully aware of the facts and the consequences.

6. Be that as it may, now the parties have settled the differences between them. The Respondent No.2 has filed an affidavit giving her specific no objection for quashing of these proceedings. She has stated in her affidavit that they have reached the mutual agreement to resolve all the disputes amicably and that she wanted to embark on a new chapter of her life free from burden of the past. She has clearly given her no objection for quashing of the proceedings arising out of the C.R.No.269 of 2021 registered with Wakola Police Station, Mumbai. She is present in the Court. She is identified by her learned counsel.

7. From the above discussion it is quite clear that it was a consensual physical relationship. The parties have settled their dispute. They want to move ahead in their lives. No purpose would be served by continuing the criminal proceeding. She stated that she did not want to continue with the prosecution and she had no objection for quashing of this proceedings.
8. In this view of the matter, the application can be allowed, subject to payment of cost by the Applicant.
9. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R. No.269/2021 dated 22/04/2021 registered at Wakola Police Station, Mumbai and the further proceedings arising out of the said FIR, are quashed and set aside, subject to payment of cost of Rs.25,000/- to the Police Welfare Fund. The details of which are as follows :

- Bank Name : Axis Bank Limited
- Branch Name : Worli, Mumbai (H.H.)
Mumbai-400025
- Account Name : Central Police Welfare Fund
- Account No. : 914010029005759
- IFSC Code : UTIB0000060

- (i) The Applicant shall also make payment of Rs.25,000/- to the Respondent No.2.
- (ii) Both these payments shall be made within a period of 8 weeks from today.
- (iii) The Applicant shall furnish receipts of such payments in the registry.
- (iv) If the proof of such payment is made, there shall be no further reference to the Court. But if the payments are not made during the stipulated period, the matter shall be placed for further consideration before the Court and in such eventuality this order shall be liable to be recalled.
- (v) The application is disposed of in the aforesaid terms.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)