

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (A.PL.) NO. 1580 OF 2024**

Kalpesh Ishwarlal Patel

... Applicant

V/s.

Ila Pravin Solani & Anr.

... Respondents

Mr. Manish N. Jain a/w Mr. Prasad D. Mundhe i/b S. M. Jain Associates for Applicant.

Ms. Ritu G. Gehlot for Respondent No.1.

Smt. Savita M. Yadav, A.P.P. for Respondent No.2-State.

Mr. Sawant, P.S.I. Goregaon Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 22nd July 2025.

P.C. :

1) This is an Application under Section 482 of the Criminal Procedure Code, (Cr.P.C.) by the accused in S.C. No. 61 of 2025, pending on the file of learned Additional Sessions Judge at Dindoshi, Mumbai, arising out of C.R. No. 231 of 2019, dated 18th April 2019, registered with Goregaon Police Station, Mumbai, punishable under Sections 376, 376(2)(n), 384, 354(D), 509, 506(1), 506(2) and 504 of the Indian Penal Code (IPC), for quashing of the said case with the consent of Respondent No.1, the victim.

2) Mr. Jain, learned Advocate for the Applicant submitted that, the Applicant and Respondent No.1 were having an affair and relationship between them was a consensual relationship. He submitted that, now

Respondent No.1 has given her consent for quashing of the crime in question and therefore it may be quashed with her consent.

3) Ms. Gehlot, learned Advocate for Respondent No.1 submitted that, Respondent No.1 has already filed on record an Affidavit dated 28th February 2025. In the said Affidavit, Respondent No.1 has admitted the fact of amicable settlement between them due to their respective parents and family members. That, Applicant and Respondent No.1 have now decided to forgive each other and to move on in their respective lives for future prospects. In para No.7 thereof, Respondent No.1 has given her no objection for quashing of the crime in question.

3.1) Though, Respondent No.1 is not personally present in the Court, Ms. Gehlot, learned Advocate for Respondent No.1 on instructions submitted that, Respondent No.1 has given her authority to admit the contents of her Affidavit dated 28th February 2025 and to give her 'No Objection' for quashing of the crime in question.

4) Perusal of First Information Report indicates that, Respondent No.1 was knowing the Applicant for about 12 years prior to the date of lodgment of the crime. Their acquaintance was subsequently blossomed into an affair. It is alleged that, the Applicant had captured certain objectionable obscene photographs of Respondent No.1, when they were in compromising condition and by blackmailing Respondent No.1, he sexually exploited her. Their relations were subsequently came to the knowledge of the husband of

Respondent No.1 and thereafter present crime is registered. It appears to us that, relations between the Applicant and Respondent No.1 were consensual in nature and it is only after the husband of Respondent No.1 got knowledge about it, present crime is registered.

5) In view of the above, we are inclined to quash S.C. No. 61 of 2025, pending on the file of learned Additional Sessions Judge at Dindoshi, Mumbai, arising out of C.R. No. 231 of 2019, dated 18th April 2019, registered with Goregaon Police Station, Mumbai, punishable under Sections 376, 376(2)(n), 384, 354(D), 509, 506(1), 506(2) and 504 of the Indian Penal Code (IPC).

6) As we expressed our opinion for quashing of said criminal case, Mr. Jain, learned learned Advocate for Applicant on instructions submitted that, for quashing of the said crime, the Applicant will voluntarily pay a cost of Rs.1,50,000/-, to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the Applicant to pay a cost of Rs.1,50,000/-, to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay.

7.1) Details of the bank Account for payment of cost are as under:-

Account Name :- BCMG'S Advocate Academy & Research
Center
Account Number :- 000120110001327
Bank Name :- Bank of India
Branch Name :- Mumbai Main
IFSC Code :- BKID0000001
Type of Account :- Current A/c

7.2) Applicant to pay the said cost of Rs.1,50,000/-within stipulated period as noted above and submit its receipt in the Registry of this Court.

8) In view of the above and subject to payment of cost, Application is allowed in terms of prayer clause (B1).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Application shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

10) List the Application on board on 26th August 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)