

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3551 OF 2025

Jitendra Krishnakumar Mishra]
Aged 33 years, Occ : Self Employed,]
Residing at 77, Grom Post, Tarauli,]
Mubarakpur, Ambedkar Nagar,]
Uttar Pradesh 224 943] ... Petitioner

V/s.

- 1) The State of Maharashtra,]
(Through M.R.A.Marg Police Station,]
Mumbai vide C.R.No. 829 of 2022)]
- 2) Ms. X (Victim),]
(Through M.R.A.Marg Police Station,]
Mumbai vide C.R.No. 829 of 2022)] ...Respondents

Mr.Mithilesh Mishra i/b. Mr.Agastya Desai for Petitioner.

Smt.Savita M. Yadav, A.P.P for Respondent No. 1 – State.

Ms.Namasvi Bhanushali for Respondent No.2.

Mr.Gourave, PI, M.R.A. Marg Police Station, Mumbai present.

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

DATE : 23rd JULY, 2025

PC.:-

- 1) By this Petition filed under Article 226 of the Constitution of India, the Petitioner, accused in C.C. No. 23/PW/2023 pending on the file of Judicial Magistrate First Class (38th Court), Mumbai arising out of C.R. No. 829 of 2022, dated 22nd December 2022, registered with M.R.A.Marg

Police Station, Mumbai, under Sections 376 and 506 of the Indian Penal Code and Section 66(E) of the Information Technology Act, 2000, is seeking quashing of the crime with the consent of Respondent No.2, the victim.

2) Mr. Mishra, learned Advocate for the Petitioner submitted that, due to the intervention of the family members and other respected persons from the society, the disputes and differences between the Petitioner and Respondent No.2 have now been amicably resolved and the Respondent No.2 is giving her consent for quashing of the said crime. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Ms. Bhanushali, learned Advocate appearing for the Respondent No.2 tendered across the bar, her Affidavit dated 23rd July, 2025 duly affirmed before a Notary Public. It is admitted therein that, the disputes between the Petitioner and Respondent No.2 have been amicably resolved. That, upon thoughtful consideration and discussions, both the parties have decided to amicably part ways and put an end to all acrimony. In Para No.(4) thereof, the Respondent No.2 has given her no objection for quashing of the crime in question.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 23rd July, 2025, and her 'No Objection' for quashing of the crime in question.

4) A perusal of First Information Report and other record

indicates that, the Respondent No.2 got acquainted with the Petitioner in a building namely Sardargruha at L.T. Marg, Mumbai. Their acquaintance was further nurtured in an affair. The Petitioner by giving promise to marry with Respondent No.2, established physical relations with her. It is alleged that, the Petitioner also took certain objectionable photographs when Respondent No.2 was scantily clad. Their relations were subsequently got soured and thereafter the Respondent No.2 lodged the present crime.

4.1) It be noted here that, when the Respondent No.2 entered into the relations with the Petitioner, she was major and conscious about the repercussions of their relations. It is only when the Petitioner resiled from the promise of marriage, out of frustration, the Respondent No.2 has lodged the present crime.

5) In view thereof, we are inclined to quash C.C. No. 23/PW/2023 pending on the file of Judicial Magistrate First Class (38th Court), Mumbai arising out of C.R. No. 829 of 2022, dated 22nd December 2022, registered with M.R.A.Marg Police Station, Mumbai, under Sections 376 and 506 of the Indian Penal Code and Section 66(E) of the Information Technology Act, 2000.

6) As we expressed our opinion for quashing of C.C. No. 23/PW/2023 pending on the file of Judicial Magistrate First Class (38th Court), Mumbai arising out of C.R. No. 829 of 2022, dated 22nd December 2022, registered with M.R.A.Marg Police Station, Mumbai, Mr. Mishra,

learned Advocate for Petitioner on instructions submitted that, the Petitioner will voluntarily pay a cost of Rs.1,00,000/- 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.

6.1) We therefore direct the Petitioner to pay a cost of Rs.1,00,000/- 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 and submit its receipt(s) in the Registry of this Court.

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

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

6.3) Petitioner to pay the said 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 cost by the

Petitioner within stipulated period as noted above, Petition is allowed in terms of prayer clause (b).

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

9) List the Petition on board on 25th August 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)