

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4034 OF 2025**

Prabhakar Kumar Sahu] ... Petitioner

V/s.

1) The State of Maharashtra]

2) XYZ (Victim)] ...Respondents

Mr.Satish Shukla for Petitioner.

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

Ms.Ketki Gokhale for Respondent No.2.

Mr.Suresh Chorat, PI, Kurla Police Station, Mumbai present.

Respondent No.2 present.

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

DATE : 12th AUGUST, 2025

PC.:-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner, accused in Sessions Case No. 651 of 2025 pending before the City Civil & Sessions Court, Mumbai, arising out of C.R.No. 139 of 2025, dated 20th March, 2025, registered with Kurla Police Station, Mumbai,

under Section 69 of the Bharatiya Nyaya Sanhita, 2023, has prayed for quashing of the said crime, with the consent of Respondent No.2, the victim.

2) Learned Advocate for the Petitioner submitted that, the relationship between the Petitioner and Respondent No.2 was consensual in nature. The Respondent No.2 was a divorcee and was aware of the consequences of their love affair. He submitted that, now Respondent No.2 has given her consent for quashing of the said crime and therefore it may be quashed.

3) Ms.Gokhale, learned Advocate appearing for the Respondent No.2 submitted that, the Respondent No.2 has already filed on record her Affidavit of Consent dated 18th July, 2025, duly affirmed before a Notary Public. It is stated therein that, the the present FIR is registered due to the misunderstanding and temporary differences that existed at that relevant point of time and were made under emotional distress and undue influence of relatives of the Petitioner. In Para No.5 thereof, Respondent No.2 has stated that she has voluntarily and out of her free will decided to give her no objection for quashing of the said crime.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 18th July,2025 and her 'No Objection' for quashing of the crime in question.

4) Perusal of First Information Report indicates that the

Respondent No.2 was a divorcee and mother of two children. She was working in a shop. She got acquainted with the Petitioner who was working in a shop situated just opposite to the shop of the Respondent No.2. Their acquaintance subsequently blossomed into an affair. The Petitioner by giving promise to marry with the Respondent No.2, established physical relations with her. He also appraised the children of Respondent No.2 that he is their father. Six months prior to the lodgment of the crime, the Petitioner accepted Respondent No.2 as his wife in front of her children by performing a Nikah. Subsequently their relations got strained and soured and thereafter, out of frustration and as stated in the Affidavit filed by the Respondent No.2, under undue influence by the relatives of the Petitioner, she lodged the present crime.

5) In view thereof, we are inclined to quash Sessions Case No. 651 of 2025, pending before the City Civil & Sessions Court, Mumbai, arising out of C.R.No. 139 of 2025 dated 20th March, 2025, registered with Kurla Police Station, Mumbai.

6) As we expressed our opinion for quashing of Sessions Case No. 651 of 2025, pending before the City Civil & Sessions Court, Mumbai, arising out of C.R.No. 139 of 2025 dated 20th March, 2025, registered with Kurla Police Station, Mumbai, Mr.Shukla, learned Advocate for Petitioner on instructions submitted that, for quashing of the said crime, the Petitioner will pay a cost of Rs.75,000/-, to the 'Armed Forces Battle Casualties

Welfare Fund' (AFBCWF), 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 sum of Rs.75,000/- to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF), 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	:-	Armed Forces Battle Casualties Welfare Fund (AFBCWF)
Account Number	:-	90552010165915.
Bank Name	:-	Canara Bank.
Branch	:-	South Block, Defence Headquarters, New Delhi – 110 011.
IFSC Code	:-	CNRB0019055.

7) Petitioner to deposit the aforesaid cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

8) In view of the above and subject to payment of cost by the Petitioner within stipulated period as noted above, the Petition is allowed in terms of prayer clause (a).

9) 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 the present case expeditiously.

10) List the Petition on board on 12th September, 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)