

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (A.P.L.) NO. 397 OF 2025

Rajesh Govindbhai Patel	]	
Age : 41 Years, Occupation : Business,	]	
Residing at : 53-54, Harishnagar Society,	]	
Near Tapasil Society, Near Laxmi Hotel,	]	
Hirabaug, Varacha, Surat, Gujarat.	]	... Applicant

V/s.

1.	The State of Maharashtra	]	
	At the instance of The Senior Police	]	
	Inspector, Tilak Nagar Police Station,	]	
	Mumbai. In C.R. No. 162/2020	]	
2.	Ms. Ruta Vaghasiya	]	
	Age : 32 Years, Occupation : Business,	]	
	Residing at : Flat No 101,	]	
	Tanishq Apartment, Chitranjannagar,	]	
	Ghatkopar East, Mumbai.	]	
	Also having address at -	]	
	401, Ratnavijay Apartment,	]	
	Near G.D. Goenka School,	]	
	Canal Road, Vesu, Surat.	]	
	Also having address at -	]	
	164, Hirabaug, Varacha, Surat.	]	... Respondents

Mr. Vikram Sutaria i/b. Mr. Agastya Desai for Applicant.
 Mr. Ajay Patil, A.P.P. for Respondent No.1-State.
 Mr. Hrituraj Singh h/f. Mr. Rushan Balsara for Respondent No.2.
 Ms. Ruta Vaghasiya, Respondent No.2 in-person, present.

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

DATE : 23rd June 2025.

JUDGMENT (Per : A. S. GADKARI, J.) :-

- 1) This is an Application under Section 482 of Criminal Procedure Code filed by the accused in Sessions Case No. 386 of 2022 pending on the file of learned Additional Sessions Judge, Mumbai, arising out of CR No. 162 of 2020, dated 30th May 2020, registered with Tilak Nagar Police Station, Mumbai, for the offence punishable under Sections 376, 376(2)(n), 420, 323, 504, 506 of Indian Penal Code, with the consent of Respondent No.2, the victim.
- 2) Heard Mr. Sutaria, learned counsel for Applicant, Mr. Patil, learned A.P.P. for Respondent No.1-State and Mr. Singh, learned counsel for Respondent No.2. Perused entire record produced before us.
- 3) Mr. Sutaria, learned counsel for Applicant submitted that, due to intervention of the family members of Applicant, the disputes and/or issues between the Applicant and Respondent No.2 are amicably resolved and the Respondent No.2 is not interested any further in prosecuting the case. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.
- 4) Mr. Singh, learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has already filed her Affidavit dated 8th May 2025,

duly affirmed before a Notary Public. It is stated therein that, due to the intervention of the family members of Applicant, the entire dispute has been resolved amicably. That, present crime is lodged by her out of vengeance and due to ill advice by third person. In para No.5 thereof, Respondent No.2 has given her consent for quashing of the subject crime.

4.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 8th May 2025 and her no objection for quashing of the crime in question.

5) A minute perusal of First Information Report would indicate that, the Applicant and Respondent No.2 were well acquainted with each other since 2018. In December 2019, they started a business enterprise jointly. The Applicant by extending promise to marry, established physical relations with her. Approximately in the month of May 2020, the Respondent No.2 came to know that, the Applicant was already married and has a child aged about 5 years. Subsequently, their relations got soured and as stated in the Affidavit, due to ill advice, Respondent No.2 has lodged present crime.

6) Perusal of First Information Report and other record clearly indicates that, the relations between the Applicant and Respondent No.2 were consensual in nature. The Respondent No.2 was an adult woman when she entered into the relationship with the Applicant.

7) In view thereof, we are inclined to quash Sessions Case No. 386 of 2022 pending on the file of learned Additional Sessions Judge, Mumbai, arising out of CR No. 162 of 2020, dated 30th May 2020, registered with Tilak Nagar Police Station, Mumbai, for the offence punishable under Sections 376, 376(2)(n), 420, 323, 504, 506 of Indian Penal Code.

8) As we expressed our opinion for quashing of Sessions Case No. 386 of 2022 pending on the file of learned Additional Sessions Judge, Mumbai, learned counsel for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.1,00,000/- to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

8.1) We therefore direct the Applicant to pay a cost of Rs.1,00,000/- to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

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

Account Name	:-	Armed Forces Battle Casualties Welfare Fund.
Account Number	:-	90552010165915.
Bank Name	:-	Canara Bank.
Branch	:-	South Block, Defence Headquarters, New Delhi – 110 011.
IFSC Code	:-	CNRB0019055.

8.3) Applicant to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

9) In view of the above and subject to payment of cost by the Applicant, Application is allowed in terms of prayer clause (a).

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

11) List the Application on board on 23rd July 2025, under caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

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