

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2281 OF 2022**

Sunny Sunil Chhajlani	]	Petitioner
Vs.		
1. The State of Maharashtra	]	
2. Snehal Sudhir Barabhai	]	Respondents
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Mr. Rahul S. Khot, for Petitioner.

Ms. S.D. Shinde, A.P. P, for Respondent No.1 -State.

Mr. Tukaram S. Shendge, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 23rd SEPTEMBER, 2022.

P.C.

1. Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1-State and Mr. Shendge waives notice on behalf of the respondent No.2.

3. By this petition preferred under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks quashing of the First Information Report (for short 'F.I.R') bearing C.R. No.102 of 2022 registered with the Mundhava Police Station, Pune for the alleged offences punishable under sections 376, 376 (2) (n), 323, 504 and 506 of the Indian Penal Code (for short 'I.P.C') at the instance of the respondent No.2. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.2- original complainant who is aged 30 years, she met the petitioner in the year 2020 on social media. Pursuant thereto, they became friends and they exchanged each other's mobile numbers and started talking with each other on phone. She has stated that their friendship developed into a love affair. She has further stated that in July, 2020, the petitioner took her to his house on the pretext of marriage, and had physical relations with her. She has stated that she confronted the petitioner on several occasions to

be told that he will marry her. She has further stated that when the petitioner started avoiding the topic of marriage, she decided to lodge a complaint on 20th April, 2021, however, she did not lodge the same, as the petitioner promised to marry her within two months. She has further stated that on 14th January, 2022, the petitioner called her and told her that he was arrested by the Sinhgad Road Police and that she should take care of his parents, pursuant to which, she started staying with the petitioner's parents at their residence. She has further stated, that one day, when she opened the cupboard in the petitioner's room, she found a divorce affidavit and realized that the petitioner was already married and that when she questioned to the petitioner's parents about the same, there was a quarrel between them. According to the respondent No.2, on the pretext of marriage, the petitioner has established physical relations with her and as such, cheated her.

5. After investigation, charge-sheet has been filed. In the interregnum, after lodging of the F.I.R, the petitioner and the

respondent No.2 amicably settled their dispute/cleared misunderstandings. The respondent No.2 has filed her affidavit dated 16th July, 2022 duly signed by her and affirmed before the Assistant Registrar High Court, which is at page 26 of the petition. In paragraph 4 of the said affidavit, the respondent No.2 has stated that she got acquainted with the petitioner on social media and thereafter they became friends; that started making phone calls to each other and their friendship developed into a love affair and, that they met each other on several occasions. She has stated that later their love relations got soured, pursuant to which, she made the aforesaid complaint. She has stated that the said complaint was lodged on account of the soured relationship and misunderstanding. The respondent No.2 has specifically in the affidavit stated that the physical relations between them were without coercion. She has further given her no objection for quashing of the F.I.R and proceedings pending before the trial Court. The respondent No.2 is present in the Court. On being questioned, she reiterates what is stated by her in the affidavit. She states that she has no objection to quashing of the F.I.R and

the proceeding consequent thereto. She states that the complaint/ F.I.R was filed, as relations between them had got soured and out of misunderstanding. Learned Counsel for the respondent No.2 has tendered a xerox copy of the Aadhar Card of the respondent No.2 duly attested by her. The same is taken on record. The learned Counsel appearing for the respondent No.2 identifies the respondent No.2. Learned A.P.P has also verified the original Aadhar Card of the respondent No.2.

6. *Prima facie*, it appears that the respondent No.2 aged 30 years and the petitioner aged 33 years were in a relationship, which was consensual.

7. Having regard to what is observed aforesaid, the amicable settlement between the parties and the affidavit filed by the respondent No.2, no useful purpose would be served by continuing with the proceeding. Accordingly, the petition is allowed and C.R. No.102 of 2022 registered with the Mundhawa Police Station for the alleged offences punishable under sections

376, 376 (2) (n), 323, 504, 506 of the Indian Penal Code is quashed and set aside. Consequent to the quashing of C.R. No.102 of 2022, the proceeding arising from the said C.R is also quashed and set aside.

8. The Writ Petition is allowed. The rule is made absolute in the aforesaid terms.

9. The petition is disposed of.

10. All concerned to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]