

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4297 OF 2024

Dinesh Prashant Kondhare Petitioner

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Satyavrat Joshi i/b. Reena Prajapati, Advocate for Petitioner.
- Mr. Vinod S. Chate, APP for the State/Respondent.
- Ms. Seema S. Dighe, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.**

DATE : 02nd DECEMBER, 2024

P.C. :

1. Heard Mr. Satyavrat Joshi, learned Counsel for the Petitioner, Ms. Seema S. Dighe, learned counsel for the Respondent No.2 and Mr. Vinod S. Chate, learned APP for the State.
2. Leave to amend to correct the Sessions Case number in the prayer clause (a). Amendment to be carried out forthwith.
3. The present Petition is for quashing of the proceedings arising out of the C.R. No.48 of 2020 registered with Kothrud Police Station, Pune, resulting in Sessions Case No.179 of 2021

before Additional Sessions Judge, Pune. The present Petition is filed for quashing by consent.

4. The FIR is lodged by the Respondent No.2 on 06/03/2020. She has stated that the Petitioner was residing in the same society. They got acquainted and their friendship developed into love relationship since July 2012. The FIR thereafter mentions various instances when they had physical relations with consent of the Respondent No.2. The first instance was in July 2012. It is alleged that the Petitioner had promised to marry her. The FIR thereafter refers to the incidents in the year 2018, when the Respondent No.2 insisted that they should get married. But he did not take positive steps towards that. In September 2018, he left for a foreign country in connection with his job. Before leaving for his job, he again promised to marry the Respondent No.2. He came back in November 2018. Again they had their physical relations. The FIR described that they had physical relations frequently. Ultimately, on 19/02/2020, she again asked the Petitioner about their marriage. But then he refused to marry her on the ground that his mother was opposing the alliance. On this basis, the FIR is lodged.

5. Now the Respondent No.2 has filed an affidavit mentioning that they have amicably resolved the dispute and they do not have any grudge against each other. She has further stated that the FIR and all the proceedings be quashed as they would not serve any purpose. She has specifically mentioned that she has no objection for quashing of the Sessions Case No.179 of 2021, which is pending before the Additional Sessions Judge, Pune.

6. The Respondent No.2 was interviewed by one of us (Dr. Neela Gokhale, J.) in her Chamber and verified whether she was willing to give no objection for quashing of the FIR. The Respondent No.2 specifically admitted the contents of the affidavit and reiterated her stand of no objection for quashing of the FIR.

7. We have considered this background. The FIR itself suggests that it was a consensual physical relationship, which continued from 2012 upto 2020. It was a long period and she

was well aware that the Petitioner had not taken any definite steps towards their getting married. In spite of that, they continued their physical relations frequently.

8. There is force in the submissions of learned counsel for the Petitioner that offence u/s 376 of the IPC is not made out. However, since the Respondent No.2 has given her specific no objection for quashing of the FIR, in this background, we are inclined to allow this Petition.

9. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R. No.48 of 2020 registered with Kothrud Police Station, Pune and the further proceedings resulting in Sessions Case No.179 of 2021 before Additional Sessions Judge, Pune, are quashed and set aside.
- (ii) The Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)