

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

CRIMINAL APPLICATION NO.857 OF 2024

Kushal Rajesh Pradhan

.....Applicant

Versus

State of Maharashtra
and another

.....Respondents

Mr. Ravi B. Gite, Advocate i/b. Pankaj Kavale for the Applicant.

Mr. Ashish I. Satpute, APP for the Respondent No.1-State.

Mr. Abhishek D. Nagoda, Advocate for the Respondent No.2.

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

DATE : 07th OCTOBER, 2024

P.C. :

1. This Application is filed for quashing of the FIR registered vide C.R. No.134/2024 at Vishrantwadi Police Station, Pune on 12.4.2024 under Sections 376, 376(2)(n), 417, 504, 506 of IPC and under Section 3(2) and 3(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Atrocities Act').

2. Heard Mr. Ravi Gite, learned counsel for the Applicant, Mr. Ashish Satpute, learned APP for the Respondent No.1-State and Mr. Abhishek Nagoda, learned counsel for the

Respondent No.2.

3. The first informant has lodged this FIR against the Applicant. The allegations are that they got acquainted on 8.12.2023. The FIR thereafter describes that the Applicant had told her that he wanted to marry her. The FIR further mentions about their physical relations which were taken place on a few occasions. Subsequently, the Applicant refused to marry her and made certain derogatory statements with reference to her caste. On this basis, the FIR is lodged. Subsequently, it appears that the matter is settled between the parties. This Application is filed on that ground.

4. Today, an affidavit is filed on behalf of the Respondent No.2 by the learned counsel for the Respondent No.2, who was the first informant. It is mentioned in this affidavit as follows :

“3. I state and submit that the having known the, seriousness and consequences of the proceeding initiated by me, I and my relatives approached the Petitioner for settling the dispute between us and withdrawing the case registered by me against the Petitioner. I say that I and my family members on being realized that the Petitioner is having a

family, had decided to mutually settle the case and lead our life in a peaceful manner and in pursuant to the said decision. Due to Some Miss Understanding in between me and petitioner and in a fit of anger I lodge the instant FIR, therefore I had decided to not to continue with the prosecution against the Petitioner.

4. I say that the allegations against the Petitioner by me are of personal in nature and in view of the settlement between us, no fruitful purpose would be served if the prosecution against the Petitioner is continued.
5. I say that I had conveyed my readiness and willingness to appear before this Hon'ble Court and file Affidavit in support of this Petition. I say that we had mutually settled the dispute between us and intends to lead our life in the peaceful way.”

[Reproduced exactly as mentioned in the affidavit]

5. The informant is present in the Court and is identified by her counsel. The affidavit is sworn before the Registrar of this Court. Since the matter is settled between the parties and from the nature of allegations in the FIR, it appears that it was a dispute between the two individuals, this Application can be considered.

6. A reference can be made to the observations of the Hon'ble Supreme Court in the case of *Ramawatar vs. State of*.

Madhya Pradesh as reported in **2021 OnLine SC 966** wherein the proceedings under the Special Statute, like the Atrocities Act, were quashed in view of the settlement between the parties.

7. As mentioned earlier, the dispute was strictly private between the two individuals i.e. the Applicant and the informant. Both of them have agreed to move on in their lives. The first informant does not have any grievance against the Applicant in any manner. She has filed her sworn affidavit expressing her willingness to give no objection for quashing of the FIR, which is specifically mentioned in paragraphs-6 & 8 of the affidavit, which read thus :

“6. I state and submit that the incident mentioned in the FIR was truly personal in nature and hence considering the above all stated facts and circumstances I do hereby wish to settle the case and or withdraw the case registered against the Petitioner. I say that I had gave my anxious consideration to the afore said incident and have "NO OBJECTION" if C.R.No- 134/2024 registered with Vishramtwadi Police Station, Pune is quashed and set aside.

7. xxxxx

8. I say that all the contents mentioned herein above are true and correct to the best of my knowledge and belief and I

am swearing this affidavit in support of the Petition of the Petitioner herein to quash the FIR with Vishrantwadi Police Station, Pune vide C.R. No- 134/2024 against the Petitioner alleging for commission of offences under section 376, 376(2)(n), 417, 504, 506, of the Indian Penal Code and Sec 3(2) and 3(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 against the Petitioner.”

[Reproduced exactly as mentioned in the affidavit]

8. In view of this, the following order is passed:

:: O R D E R ::

- i. The Application is allowed.
- ii. The FIR registered vide C.R. No.134/2024 at Vishrantwadi Police Station, Pune on 12.4.2024 under Sections 376, 376(2)(n), 417, 504, 506 of IPC and under Section 3(2) and 3(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the consequent proceedings, are quashed.
- iii. The Application is disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)