



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (APL) NO. 345 OF 2024

Anupam Nandavanam Padmanabhan, aged **Applicant.**
about 48 years, Occup. Business R/o 9,
Raviraj Apartments, Ramdaspath, Shankar
Nagar, Nagpur.

-Versus-

1. State of Maharashtra, through Police
Station Officer, Sitaburdi, Nagpur.
2. XYZ in Crime No.634 of 2024, dated **Non-**
05/10/2023, Registered in Sitaburdi Police **applicants**
Station, Nagpur.

Mr.Zeeshan Haq, counsel for the applicant.
Mr.S.A.Ashirgade, APP for the non-applicant No.1.
Mr.V.M.Vishwarupe, counsel for non-applicant No.2.

CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.

DATE :6th MARCH, 2024

ORAL JUDGMENT (Per : Vinay Joshi J.)

Heard.

2. **Admit.** The application is heard finally with the consent of
the learned counsel for the parties.

3. This is an application seeking to quash First Information
Report in Crime No.634 of 2023 registered at Police Station
Sitaburdi, Nagpur for the offences punishable under Sections

376(2)(n), 417 and 506(2) of the Indian Penal Code, 1860 and Section 66 (E) of the Information Technology Act, 2000.

4. The applicant's learned counsel would submit that the contents of the First Information Report does not disclose the offence of rape. It is submitted that both were quite matured having relationship, but out of minor bickering report has been lodged. It is submitted that, by the time, both of them have decided to marry for which they made registration with the office of SDM, Delhi of which receipt is produced.

5. At the instance of report, lodged by informant lady aged 32 years crime has been registered. It is her case that in the month of August-2020 through face book she got acquainted with the applicant. Their casual acquaintance turned into love relationship. They were frequently meeting with each other. Informant stated that both of them decided to marry and it was informed to their family members. The report indicates that at different places they travelled, lived on various occasions. However, the informant stated that while they were at Tirupati in the month of December 2022 while living in a lodging house they had sexual relations. The informant further stated that there were talks of marriage but it was

not materialised. The applicant refused for marriage and had again sexual relations in the month of September 2023 and therefore the report.

6. Reading of entire police report discloses that there was love affair between grownup couple. Rather, the contents of First Information Report indicates that both were educated and had travelled at various places, lived at different lodging house. Pertaining to note that the informant never stated that on first occasion the applicant sexually exploited her under any promise or threat, rather it conveys that while both of them were living in lodging house at Tirupati they had sexual relations. We are unable to pursue any element of obtaining consent by deceitful means. Though informant stated that in the month of September 2023, they had sexual relations by force, however, there was no report till next one month. Informant lady has filed an affidavit stating that their difference have been solved and now both of them decided to marry. She has also gave her no objection to quash the proceedings. The informant lady has appeared before this Court and given her consent for quashing of First Information Report and her willingness has been verified by the Registrar of this Court.

7. Considering the allegations made in the First Information Report, it is evident that out of minor bickering between two adults, report has been lodged. The contents of the First Information Report that both were living at different places conveys loudly that it is a case of consensual relationship. Moreover, both of them have decided to marry and thus, the continuation of prosecution amounts to abuse of the process of Court.

8. In view of above, the application is allowed and disposed of. We, hereby quash and set aside the First Information Report No.634 of 2023 registered at Police Station Sitaburdi, Nagpur for the offences punishable under Sections 376(2)(n), 417 and 506(2) of the Indian Penal Code, 1860 and Section 66 (E) of the Information Technology Act, 2000.

(VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)