



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.695 OF 2024

	Sandesh Vishwas Meshram, Aged about 25 years, Occup. Advocate, R/o Rajura, Tq.Nandgaon, Khandeshwar, District Amravati.	Applicant.
	-Versus-	
1.	State of Maharashtra, Through Police Station Officer, P.S.Nandgaon Khandeshwar, District Amravati (Rural)	
2.	X.Y.Z., Victim in Crime No.78 of 2024, registered at P.S.Nandgaon Khandeshwar, District Amravati.	Non-applicants.

Mr.S.B.Gandhe, Adv. for the applicant.
Mr.A.M.Joshi, APP for non-applicant State.
Mr.U.V.Chakravarti, Adv. for non applicant No.2.

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

DATE : 13th AUGUST, 2024

ORAL JUDGMENT (Per : Vinay Joshi, J.)

- (1) Heard. Admit. The application is heard finally with the consent of the learned counsel for the parties.
- (2) This is an application seeking to quash the Criminal proceedings bearing RCC No. 62 of 2024, arising out of First Information No. 78 of 2024, for the offence punishable under

Section 376, 376(2)(n), 312, 451 and 506 of the Indian Penal Code registered with Police Station Nandgaon Khandeshwar district Amravati rural on merits as well as on account of settlement.

- (3) The informant lady aged about 23 years got married in the year 2019 and due to differences started to reside separately from her husband from the year 2022. The informant met the applicant, advocate of Amravati for the purpose of filing of a divorce petition. On an often, the informant used to meet the applicant for the purpose of her work, however, due to close acquaintance love relationship was developed.
- (4) It is the informant's case, that the applicant expressed his liking towards her and then assured her for marriage. Thereafter, at various places, they had sexual relations for next two years. The informant also got pregnant but the fetus was aborted. Finally in the month of January 2024, the applicant abruptly refused for marriage therefore, the report.
- (5) The learned counsel appearing for the applicant would submit that the informant was well matured grown up lady. She

had a love affair with the applicant, who was unmarried fellow. Out of love and intimacy they had maintained sexual relations by own volition of mind. It is submitted that there was no coercion, force or promises on the part of the applicant and thus, it is the case of the consensual relationship. In addition to that, he would submit that the informant realised her mistake and therefore, she has also given no objection at the time of grant of bail. Likewise, she has filed an affidavit in this proceedings stating about her no objection.

(6) The informant lady has appeared before us on 25.04.2024 through advocate. The informant is present today also, who is identified by her advocate. The informant stated that out of misunderstanding, she has lodged the report and now she do not want to proceed further.

(7) Be that as it may, with the assistance of both the sides, we have examined the entire material. Admittedly, the informant was a married lady at the time when the relations have been maintained. The applicant's submission about impossibility of giving promise is acceptable since at the relevant time the informant was already married. Unless from the beginning there was deceitful intent and

the lady has consented only because she was promised there cannot be an offence. It emerges from the entire episode that for long two years both were meeting at different places and maintaining sexual relations. The informant though married did not resist at any point of time but she has also submitted herself for a long period. The informant also became pregnant, however, she did not put any grievance and thus the applicant's contention about consent, in maintaining relationship is acceptable. Besides that, the informant has filed an affidavit stating that it was a consensual relationship.

(8) Taking overall view of the matter, it reveals that the informant was a matured married lady. She had love relationship with the applicant. Both have enjoyed the relationship for two years. In the circumstances, it is difficult to hold that only because promise for marriage was given she has consented for the relations. Thus the entire material does not disclose *prima facie* ingredients to constitute the offence.

(9) At this juncture, the applicant's learned counsel would submit that the applicant would deposit sum of Rs.20,000/- towards the costs as the police machinery was rotated.

- (10) Considering all above aspects, continuation of the prosecution amounts to abuse of the process of Court. In view of that following order is passed.

ORDER

- i) The criminal application is allowed.
- ii) We hereby quash and set aside the Criminal proceedings bearing RCC No. 62 of 2024, arising out of First Information No. 78 of 2024, for the offence punishable under Sections 376, 376(2)(n), 312, 451 and 506 of the Indian Penal Code registered with Police Station Nandgaon Khandeshwar, district Amravati rural.
- iii) The applicant shall deposit a sum of Rs. 20,000/- within a period of two weeks with the High Court Bar Association, Nagpur towards the costs.
- iv) Stand over to 27.08.2024 for noting the compliance.

(VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)