



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 CRIMINAL APPLICATION NO. 1430 OF 2025

Dr Atul Naryanrao Chandramore
Age 52 years, Occ. Service as
professor, R/o. Jaitanvan Nagar
Canal Road, Taroda (Bk)
Nanded, Tq. And Dist. Nanded

...Applicant

Versus

1. The State of Maharashtra
Through Bhagya Nagar
Police Station, Nanded
Tq. and Dist. Nanded

2. XYZ

...Respondents

.....
Advocate for Applicant : Mr. Irfan D. Maniyar
APP for Respondent No.1: Mrs. P.R. Bharaswadkar
.....

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 12th AUGUST, 2025

PER COURT :-

1. The present application has been filed seeking quashment of the charge sheet bearing No.150 of 2024, dated 05.08.2024 pending before the learned J.M.F.C. Nanded, arising out of F.I.R. vide C.R. No.242 of 2024, dated 11.6.2024 for the offences punishable under Sections 376(2)(n), 354-D, 294, 506 of I.P.C.

2. Heard learned advocate for the applicant and learned A.P.P. for respondent No.1. There is no necessity to issue notice to respondent No.2.

3. Learned advocate for the applicant has taken us through the copy of charge sheet, including the F.I.R. and submits that the F.I.R. is nothing but a counter blast to the Civil Suit that was filed by the present applicant bearing Special Civil Suit No. 214 of 2024, before the learned C.J.S.D. Nanded for specific performance of contract. The applicant and respondent No.2 are working in the same Government office and as per the applicant, respondent No.2 had entered into an agreement to sale a immovable property, standing in her name, to the present applicant. The said agreement was entered into on 03.01.2024. Respondent No.2 had accepted earnest amount on that day. However, when respondent No.2 refused to perform her part of contract, the said Civil Suit came to be filed on 23.07.2024. The applicant has also filed criminal complaint against respondent No.2 on 03.06.2024 but the F.I.R. was not lodged on that day and thereafter, the F.I.R. was lodged on 11.06.2024 vide C.R. No.241 of 2024 against respondent No.2 and her brother, for the offence punishable under Sections 384, 385, 506 r.w. 34 of I.P.C. It appears that then present F.I.R. has been lodged with concocted version on 11.06.2024. The statements of witnesses, recorded by

the police in this case, are most of the relatives and it is hearsay. No such documents or material, as alleged in the F.I.R., have been seized, then it can be said to be obscene pictures of respondent No.2. At the most, the relationship can be said to be a consensual in nature and therefore, learned advocate for the applicant relies on the decision in Prashant vs. State of NCT of Delhi, Criminal Appeal No.____ of 2024 (arising out Special Leave Petition (Criminal) No. 2793 of 2024) decided by the Hon'ble Supreme Court on 20.11.2024, wherein the decisions in **XXXX vs. State of Madhya Pradesh (2024) 3 SCC 496** and **Pramod Suryabhan Pawar vs. State of Maharashtra, (2019) 9 SCC 608** were considered. In that case, from the facts, it was considered that relationship was established between the appellant and the complainant in 2017 and parties met multiple times at various places during the years 2017 and 2019. The contents of F.I.R. were considered that the allegations were that accused had a forceful sexual relationship with her but the informant had not stopped meeting the accused nor she had filed a criminal complaint and therefore, it was inferred that it was a case of consensual relationship. The facts in the present case are similar as, as per the F.I.R. itself, they met and started their relationship since 17.12.2023. Therefore, it would be unjust to ask the applicant to face the trial.

4. The first and foremost fact, that is required to be noted, is that in the application, there is absolutely no pleading that so called relationship between the applicant and respondent No.2 were consensual in nature. Rather, it is then stated that false and fabricated F.I.R. has been lodged for blackmailing. Therefore, when the applicant is not accepting/admitting that there were such relationship, no question for considering as to whether there were consensual relationship or not, would arise. No doubt, in the present case, it appears that Civil Suit bearing Special Civil Suit No. 214 of 2024 has been filed by the present applicant, but it can be seen that it is after filing of the present F.I.R. At the cost of repetition, we would say that the F.I.R. came to be lodged by respondent No.2 on 11.06.2024 and the suit has been filed on 23.07.2024. The applicant has also stated that he had gone to lodge the F.I.R. against respondent No.2 on 03.06.2024, however it was not taken, but ultimately, the said C.R. No. 241 of 2024, against respondent No.2 and her brother, was also registered on 11.6.2024 i.e. on the same day on which the present F.I.R. came to be lodged. Now it is for the applicant to prove that the present F.I.R. is in retaliation and which can be proved only at the time of trial and this Court cannot go into those details under Section 482 of Cr.P.C., under the circumstances, as noted above.

5. The respondent No.2 is 42 years old lady, having a daughter of 10 years. She has stated that her matrimonial dispute was pending before the Court. She states that she is serving at Parbhani but resides at Nanded and the present applicant serves in the same institution is stated to be residing at Nanded and they got acquainted in the month of November, 2023. They were commuting in Railway from Parbhani to Nanded. She has stated that she called for lunch on 17.12.2023 and by giving false promise, he had taken some obscene photos and videos. According to her, she was called in the house of the applicant, after his wife and children had gone to Aurangabad. It was under the pretext that there is office work in respect of transfer. She has stated that thereafter, by giving threat to make those photos viral, she was called again at his house in the month of January and on 09.02.2024. She even states about the fact that the applicant had given her a chit when she had refused to go alongwith him to Parbhani on 18.03.2024. The said chit has been produced by her before the police and it is forming part of the charge sheet. Perusal of the said chit (we are refraining ourselves from producing the contents of the same for the sake of privacy). But it certainly states that in the first para, he was blaming her for not coming to station and he infers that she might have taken that steps to destroy him. He expressed that he is disturbed but then it gives a angle of life also. In the last para again, he blames by saying that he

will not be scared for suicide, resignation etc. and it also indicates that respondent No.2 might have got involved herself with someone else. She states in the F.I.R. about threats those were given by the applicant on 19.3.2024 and by following her, the threats were given to make obscene videos viral. She has also stated about the incident dated 27.03.2024 of talking by the applicant and he used to follow her at different places. Thus, taking into consideration these allegations, we cannot certainly come to the conclusion that relationship was consensual in nature, as the applicant has not pleaded the same.

6. Further, we would like to rely upon decision in ***Rajkumar Vs. State of Karnataka; 2024 SCC OnLine SC 257***, wherein taking into consideration the facts of the case, it was observed that the Court is accepting the view taken by the Coordinate Bench in ***Shambu Kharwar Vs. State of Uttar Pradesh, 2022 INSC 827 :: 2022 SCC OnLine SC 1032***, but differentiating the same, it was observed that “a relationship may be consensual at the beginning but same state may not remain so for all times to come. Whenever one of the partners show their unwillingness to continue with such relationship, the character of such relationship as it was when started will not continue to prevail” and therefore, by taking a view that the relationship had not remained consensual, the prayer for quashing the FIR was rejected. Similar view has been taken by the Division

Bench of this Court at the Principal Seat in **Criminal Writ Petition No.3181 of 2023 (*Amol Bhagwan Nehul Vs. State of Maharashtra and another*)**. In our opinion, the present case may attract the ingredients of Section 375 of I.P.C. punishable under Section 376 of I.P.C. Therefore, we do not find this to be a fit case where we should exercise our power under Section 482 of Cr.P.C. The application stands rejected at the threshold.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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