

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

**CRIMINAL WRIT PETITION NO.1491 OF 2021**

Sunil Gangadhar Dahale

.....Petitioner

Versus

The State of Maharashtra  
and another

.....Respondents

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Mr. Ashwin Shete, Advocate a/w. Santosh Avhad i/b. Jayakar & Partners for the Petitioner.

Mr. J.P. Yagnik, APP for the Respondent No.1-State.

Mr. Niranjana Mundargi, Advocate i/b. Ms. Keral Mehta for the Respondent No.2.

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**CORAM : SARANG V. KOTWAL &  
S.M. MODAK, JJ.**

**DATE : 17<sup>th</sup> APRIL, 2025**

**P.C. :**

1. Leave to amend is granted to add the present case number and to mask the name of the Respondent No.2. Amendment to be carried out forthwith.

2. This is a Petition for quashing of the proceedings arising out of Sessions Case No.178/2023 pending before the Additional Sessions Court, Wai, District-Satara arising out of C.R. No.I-156/2018 registered with Khandala police station,

District-Satara under Sections 376, 452, 420 and 506 of IPC.

3. Heard Mr. Ashwin Shete, learned counsel for the Petitioner, Mr. J.P. Yagnik, learned APP for the Respondent No.1-State and Mr. Niranjan Mundargi, learned counsel for the Respondent No.2.

4. The FIR is lodged on 08/09/2018 by the Respondent No.2. In her FIR she has given details of how relationship developed between her and the Petitioner since the year 2013. Both of them are relatives. Since 2013, the Petitioner allegedly tried to develop close relationship with the Respondent No.2. At that stage, she was already married and had a son from her marriage. In her FIR, she has given instances when the Petitioner tried to develop close relationship. Ultimately the relationship went to the stage where they even had physical relationship. In the narration of the FIR, she has stated that from time to time the Petitioner was taking financial help in the nature of gold or cash. The FIR further gives instances when they had physical relations. She has mentioned in her FIR that she reluctantly participated.

Though she had resisted, the Petitioner forcefully kept the physical relationship going. The FIR mentions that there were 12 such instances. Such instances were in respect of their encounters in her own house and also in some lodge. The FIR mentions that the Petitioner thereafter started blackmailing her and on the threat of disclosing her indecent photographs, forced her to continue their relationship. The FIR also mentions that from time to time, the Petitioner forced her to part with almost 3 Kg. and 768.5gms. gold and Rs.51,18,000/- by way of financial help in cash.

5. The investigation is over and the charge-sheet is filed. Initially this Petition was filed for quashing of the proceedings on merits. However, during pendency of this Petition, the parties have settled their disputes and the prayer is for quashing of the proceedings by consent of the parties and in particular by consent of the Respondent No.2.

6. We have heard learned counsel for the parties and we have also perused the charge-sheet. With the assistance of both learned counsel, we have considered the statements in the

charge-sheet. Learned counsel for the Petitioner also invited our attention to the WhatsApp messages between the parties. These WhatsApp messages show that a few days before registration of the FIR, some intimate messages were exchanged between both of them. The statements of the informant's employee Dalvi shows that between 13.6.2018 and August, 2018 on eight occasions gold weighing about more than 800 grams was brought from the Petitioner which is contrary to the theory of threat and extortion. From the record it appears that it was a consensual physical relationship.

7. In any case, now the matter is settled between the parties. The Respondent No.2 has filed her affidavit of consent. In that affidavit, she has stated that the FIR was lodged due to misunderstanding between the Petitioner and herself. With the intervention of all well wishers she has resolved all the disputes between them and both of them mutually decided not to interfere in other's life. The Respondent No.2. has 18 year old son and it is in his interest that the proceedings are quashed. She has given her specific no objection for quashing of this

proceeding. There is a reference to Special Civil Suit No.149/2023 pending before the 2<sup>nd</sup> Joint Civil Judge, Senior Division, Wai against the Petitioner which also she intended to withdraw.

8. The Petitioner has also filed a separate affidavit, which is taken on record, wherein it is mentioned that after withdrawal of the allegations by the Respondent No.2, the Petitioner shall not initiate or pursue any legal proceedings or legal action against the Respondent No.2.

9. The dispute between the parties was personal in nature. The relationship, as mentioned earlier, appeared to be consensual. The Respondent No.2 was interviewed personally by learned APP Mrs. Deshmukh. Learned APP informed the Court that it is the genuine wish of the Respondent No.2 that the matter is settled and the proceedings are quashed.

10. Considering this background and particularly taking into consideration the interest of the Respondent No.2's son, as mentioned by her, we are inclined to allow this Petition.

11. Hence, the following order:

**:: O R D E R ::**

- i. The FIR being C.R. No.I-156/2018 registered with Khandala police station, District-Satara as well as the consequent proceedings being Sessions Case No.178/2023 pending before the Additional Sessions Court, Wai, District-Satara, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

**( S.M. MODAK, J.)**

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)

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PRAKASHRAO  
DESHMANE  
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