

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2315 OF 2025

Balaji Dnyaneshwar Honmane	]	Petitioner
versus		
State of Maharashtra and another	]	Respondents

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Ms. Manisha Devkar a/w Mr. Shankar Katkar, for Petitioner.

Mr. A.A. Naik, A.P.P, for Respondent No.1 – State.

Mr. Ranjeet Patil, for Respondent No.2.

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**CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATE : 28th NOVEMBER, 2025.

ORAL JUDGMENT: [PER M.S. KARNIK, J.]:

1. Heard Ms. Devkar, learned Counsel for the petitioner, Mr. Naik, the learned A.P.P, for respondent No.1 – State and Mr. Patil, learned Counsel for respondent No.2.

2. Learned Counsel for the petitioner seeks leave to amend to mask the name of the respondent No.2 wherever it appears in the petition. Leave as prayed for is granted. Amendment to be carried out forthwith.

3. This is a petition for quashing by consent of the parties. Respondent No.2 lodged a First Information Report [for short "F.I.R"] bearing No.401 of 2024 with Pandharpur City Police Station, District Solapur for the offences punishable under sections 376, 384, 323, 504 and 506 of the Indian Penal Code (for short "I.P.C").

4. It is alleged by respondent No.2 that she was residing at the address stated in the petition with her son and daughter. Respondent No.2, at the relevant time, was forty eight years old. Respondent No.2 is working as a teacher. Respondent No.2 and her husband divorced in the year 2023. The petitioner was working as a Driver on the vehicle of the respondent No.2's husband. The petitioner and the respondent No.2 had physical relations. Thereafter, the petitioner threatened respondent No.2 that he will tell her family and relatives about their relations, on which count, he forced her to keep physical relations with him as well as to give him money. It is alleged that the petitioner threatened respondent No.2 to marry with him and, therefore, on 14th May, 2024, respondent No.2 performed marriage with the petitioner at Alandi, Pune. After the marriage, the petitioner took the respondent No.2 to reside with him at a rented house. The petitioner forcibly kept physical relations with the respondent No.2 without her consent and he was also demanding money from her. It is further alleged that the petitioner was beating respondent No.2 and demanding money from her. It is alleged that from 25th May, 2024, the petitioner and respondent No.2 decided to reside separately.

The petitioner demanded an amount of Rs.20,00,000/- for not troubling respondent No.2. Respondent No.2, therefore, registered an F.I.R on 19th June, 2024 bearing F.I.R No.401 of 2024 against the petitioner.

5. An affidavit on behalf of the respondent No.2 is filed which is taken on record and marked as “Exhibit “X” for identification. A joint pursis has also been filed duly signed by the petitioner and the respondent No.2 which is taken on record and marked as “Exhibit “X-1” for identification. The sum and substance of the said affidavit is that the parties have decided to move on with life and respondent No.2 has stated that the F.I.R was filed as a result of some misunderstanding. Respondent No.2 is present in the Court who is duly identified by her Advocate. She has stated that she does not wish to continue with the prosecution and that the criminal proceedings should be quashed by consent. She has no objection to quashing of criminal proceedings by consent.

6. Learned A.P.P opposed the petition by contending that in case where offence alleged is serious and especially when the allegations are made in respect of an offence under section 376 of the I.P.C, petition for quashing of F.I.R should not be entertained.

7. In ordinary course, if the allegations are of a serious nature, where charge under section 376 is levelled, this Court would be reluctant to quash the proceedings by consent in the exercise of it's jurisdiction of Article 226 of the

Constitution of India, or for that matter under section 482 of the Code of Criminal Procedure, 1973.

8. However, in the facts of the present case and even from the allegations made in the First Information Report, if taken at its face value, demonstrate that the relationship between the petitioner and the respondent No.2 was consensual in nature and that they had solemnized marriage. It is only after the petitioner and respondent No.2 started residing separately, the F.I.R was registered by alleging that the petitioner had demanded a sum of Rs.20,00,000/- from respondent No.2 so that he would not trouble her in future.

9. Respondent No.2 in her affidavit stated that consent to quash the proceedings is voluntary and not under any pressure or coercion.

10. In the facts and circumstances of the present case, we are of the considered view that no purpose would be served by continuing the criminal prosecution and that respondent No.2 is not going to depose against the petitioner. The possibility of conviction is remote. In such circumstances, if by consent, the petitioner as well as respondent No.2 are requesting for quashing of the criminal prosecution, we see no reason to decline such request. In order to come to this conclusion, we draw support from the decision of the Supreme

Court in **Gian Singh Vs. State of Punjab¹** and **Narinder Singh Vs. State of Punjab²**.

11. Quashing of the criminal prosecution is subject to the petitioner paying/depositing cost of Rs.25,000/- within two weeks in the account of;

“Prabha – Hira Pratishthan,
Reg No. E-772/Solapur – Palavi Foundation
I.D.B.I Bank, Navi Peth,
Pandharpur Branch
Saving Account No.54010010004843
IFSC Code : IBKL0000540

12. The petition is allowed in terms of prayer clauses (a), (b) and (c).

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]

1 (2012) 10 Supreme Court Cases 303

2 (2014) 6 Supreme Court Cases 466