

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

Criminal Writ Petition No. 4304 of 2024

Sandeep Shahaji Nandavadekar ... Petitioner

V/s.

The State of Maharashtra & anr. ... Respondents.

Mr. Bhooshan R. Mandlik for the Petitioner.

Smt. M.H. Mhatre, APP for the State.

Ms. Rati S. Sinhasane for the Respondent No.2.

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

DATE : 27th March 2025.

P.C. :

Leave to amend is granted to mask the name of the Respondent No.2 and to mention the case number in the prayer clause. Amendment be carried out forthwith.

2. This is a petition for quashing of Special Case No.12/2024 pending before the Special Judge, Additional District and Sessions Judge, Gadhinglaj arising out of C.R. No.5/2024 registered with Gadhinglaj Police Station on 1st January 2024 under Sections 376(2) (n) of Indian Penal Code and Section 3(1)(w)(i) and 3(1)(w)(ii) and 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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3. Heard Mr. Mandlik, the learned counsel appearing for the Petitioner, Mrs. Mhatre, the learned APP appearing for the State and Ms. Sinhasane, the learned counsel appearing for the Respondent No.2.

4. The FIR is lodged by the Respondent No.2. All the allegations are made in the FIR itself. The charge-sheet contains statements of her relatives and record regarding the lodge where the Respondent No.2 and Petitioner were regularly meeting. In the FIR she has stated that she was belonging to the schedule caste. She was working as a Nurse. She has clearly stated that she was in a love relationship with the Petitioner since about 10 years prior to lodging of her FIR. She has further stated that at some stage she had blocked the Petitioner's number. The Petitioner No.1 was harassing her. He was not allowing her to get married. The Petitioner was married. She was in love relationship with him since 2012. However, in between she got married with her husband in the year 2017. She was residing in her matrimonial house but even then the Petitioner used to visit her matrimonial house. This fact came to the knowledge of her husband's family resulting in her divorce. Again since 2018 they restarted their relationship. Her family was opposed to their relationship and they were looking for the marriage proposals for the informant. The Petitioner was promising to marry her. About 15 days prior to lodging of FIR she wanted to sever the relationship with the Petitioner but even then the Petitioner called her to meet him on one last occasion. She met him in a lodge. He tried to

establish physical relations but she refused. There was some dispute about getting married. In spite of that the Petitioner allegedly established physical relations with her and then dropped her to a bus stand. Therefore, the FIR is lodged in respect of that particular incident and also in respect of earlier occasions when they had kept their physical relations.

5. From the bare reading of FIR it is quite clear that it was a consensual physical relationship between the parties which was going on for more than 10 years. Both of them were married and even then the relations continued. Subsequently, the informant got divorced from her husband. This is clearly a consensual physical relationship. In spite of that because of some dispute this FIR is lodged. Now the parties have again settled their dispute.

6. The Respondent No.2 has filed her affidavit giving her specific consent for quashing of the proceedings. She has stated that pendency of this case is creating obstacles for her in finding a suitable prospect for her marriage. She wanted to settle down in life. She did not want to pursue the present complaint against the Petitioner. She did not have any grievance against him. She was aware that the Petitioner was a married man. She has given her specific consent for quashing of the present proceedings arising out of C.R. No.5/2024 registered with Gadhinglaj Police Station

7. Learned APP Smt. Mhatre personally interacted with the Respondent No.2 in a free atmosphere. Mrs. Mhatre informed the

Court that desire of the informant to give consent for quashing of the proceedings is voluntary and without any force. She genuinely wants to settle the matter and get the proceedings quashed against the Petitioner.

8. We have considered this situation and the affidavit filed by the informant. We have also considered the submissions made by the learned APP on the basis of the interaction made by her with the informant. We are satisfied that it was a consensual physical love relationship and the parties have unnecessarily misused the process of law by allowing the matter to escalate and the FIR is filed.

9. In this view of the matter, though we are inclined to quash the proceedings, at the same time it is necessary that some cost is imposed on the parties. Hence, the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The FIR arising out of C.R. No.5/2024 registered with Gadhinglaj Police Station on 1st January 2024 under Sections 376(2)(n) of the Indian Penal Code and Section 3(1)(w)(i) and 3(1)(w)(ii) and 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and proceedings arising from it bearing the Special Case No.12/2024 pending before the Special Judge, Additional District and Sessions Judge, Gadhinglaj are hereby quashed

and set aside subject to Petitioner paying the cost of Rs.50,000/- to the Police Welfare Fund within a period of 8 weeks from today and the Respondent No.2 paying the cost of Rs.25,000/- from her personal bank account to the Police Welfare fund within a period of 8 weeks from today.

The details of Police Welfare Fund are as follows :-

1. Bank Name :- Axis Bank Limited
2. Branch Name :- Worli, Mumbai (H.H.)
Mumbai 400025.
3. Account Name :- Central Police Welfare Fund
4. Account No. :- 914010029005759
5. IFSC Code :- UTIB0000060

(iii) If the cost is deposited within the stipulated period of 8 weeks from today, the Petitioner shall provide the proof of the same in the Registry. If such proof is produced, there shall be no further reference to the Court. But if the cost is not paid, the matter be listed for further consideration and in that case this order will be liable to be recalled.

10. Writ Petition stands disposed of in the aforesaid terms.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)