

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

CRIMINAL WRIT PETITION NO. 5388 OF 2024

Rahul Bhima Pawar

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Sachin M. Bhavar for Petitioner.

Mr. J. P. Yagnik, APP for State/Respondent.

Mr. Rahul B. Khot for the Respondent No.2.

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

DATE : 20 FEBRUARY 2025

PC :

1. This is a petition for quashing of the F.I.R. registered vide the C.R.No.297 of 2023 at Nayanagar police station, on 01.06.2023, under sections 376(2)(n), 323 and 504 of the I.P.C.

2. Heard Mr. Sachin Bhavar, learned counsel for the Petitioner, Mr. Yagnik, learned APP for the State and Mr. Rahul Khot, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. She has stated that, she was a married lady with two children. Her husband was not staying with her. She has stated that, in August

2020, she got acquainted with the Petitioner through a social networking site. They started exchanging messages and then they developed close relationship. In November 2021, she was to go to her native place. She left her children with her husband and went to Solapur with the petitioner and on the next day she came back again with the petitioner. When her husband came to know about their relationship, he left the Respondent No.2 and their children and went to reside separately. The Petitioner assured her that he would marry her and would look-after her children. Thereafter, she goes on to mention different instances from 19.11.2022 to 30.04.2023 when they had their physical relations at a lodge. However, after that he did not marry her and then she lodged the F.I.R. The investigation is over and the charge-sheet is filed. The charge-sheet contains medical examination report and record of the said lodge. However, after this the matter is settled between the parties.

4. From perusal of the F.I.R. and the chargesheet, there appears to be force in the submission that it is purely a consensual relationship. The informant was a married lady with children. She

was aware of the consequences of her acts. Her relationship continued for a long period. She was well aware that the Petitioner was not marrying her and yet she continued to have relations with him.

5. Thus, from the charge-sheet itself, it is doubtful whether the offence is made out. But, in any case, now the matter is settled between the parties. She has filed her Affidavit giving consent for quashing of the proceedings. She has stated that the Petitioner was her relative and they were knowing each other since last several years. She has further added that her relationship with the petitioner was consensual in nature and with her consent. The dispute between them was amicably settled and both of them are staying happily in their respective houses. She has specifically stated that, it is necessary to quash these proceedings i.e. C.R.No.297 of 2023 registered at Nayanagar police station and the further proceedings i.e. R.C.C.No.2635 of 2023 pending before the J.M.F.C., Thane.

6. The Respondent No.2 is present before the Court. She reiterated the contents of the Affidavit. She insisted that the

proceedings be quashed.

7. In this background, since the parties have settled the matter, we are inclined to quash the proceedings. However, it is quite obvious that the parties have exploited the legal process and have abused it, therefore, we are inclined to impose cost on the petitioner.

8. Hence, the following order:

ORDER

- i) The F.I.R. registered vide the C.R.No.297 of 2023 at Nayanagar police station, on 01.06.2023, under sections 376(2)(n), 323 and 504 of the I.P.C. and the resultant R.C.C.No.2635 of 2023 pending before the J.M.F.C., Thane, are quashed and set aside; subject to the Petitioner paying cost of Rs.50000/- to the Armed Forces Battle Casualties Welfare Fund within a period of eight weeks from the date of uploading of present order on the official website of High Court of Bombay.

1. Details of the bank account of the Armed Forces Battle Casualties Welfare Fund for payment of cost are as under:

Bank Name : Canara Bank
Branch Name : South Block, Defence
Head Quarters.
New Delhi-110011
Account Name : Armed Forces Battle
Casualties Welfare Fund.
Account No. : 90552010165915
IFSC Code : CNRB0019055
Type of Account : Saving.

- ii) If such amount is paid within the stipulated time, and the acknowledgment is shown in the Registry, there shall be no further reference to the Court.
- iii) If the cost is not paid by the petitioner within the stipulated period as mentioned above, the Registry shall place this matter for further consideration. In that case, this order is liable to be recalled and the prosecution can be revived on fresh consideration of merits alone.
- iv) The Writ Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)