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

CRIMINAL WRIT PETITION NO.5989 OF 2024

Ratnadeep Digambar Godbole	... Petitioner
V/s.	
State of Maharashtra	... Respondent

Mr. Amit Icham for the Petitioner.
Ms. Supriya Kak APP for the Respondent-State.
Mr. Chaitanya Purankar for Respondent No.2.
Mr. Sunil Bhirhade, PSI, Narpoli police station present.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 17th NOVEMBER, 2025

PC:-

1) On a complaint being lodged by Respondent No.2 before the Narpoli police station in form of FIR No.732 of 2022, an FIR was registered invoking Sections 376, 376(2)(N) of the I.P.C. against the petitioner as she alleged that under the false promise of marriage, he established physical relationship with her on numerous occasions but subsequently refused to solemnise the marriage.

The investigation into subject FIR resulted into filing of the charge-sheet before the 2nd Court, J.M.F.C. Bhiwandi, District Thane and the case is committed to the Addl. Sessions Court, Bhiwandi as Sessions Case No.123 of 2024.

2) The Petitioner-accused, who is charge-sheeted has approached this Court seeking quashing of the FIR as well as charge-sheet by pleading that the accusations leveled against him are false and malicious, and he has been wrongly foisted with the charge of committing rape.

3) During the pendency of the aforesaid Petition, the Counsel for Respondent No.2 has placed before us an affidavit affirmed by the Respondent No.2 on 22nd September, 2025 being notarised on the very same day is placed in our hands by the Counsel. Though, Respondent No.2 is not present, the Counsel representing her, has confirmed that the affidavit is affirmed by his client, who has no objection for quashing of the FIR as well as charge-sheet, with the pending Sessions case and he made a categorical statement that she is not able to present herself before the Court, for the reasons very personal to her.

4) The affidavit is taken on record and marked 'X' for identification. We have perused the affidavit, where we find that the deponent has made statement that :-

“2. I say that I have no grievance against the Petitioners and that I want to move ahead in my life. That there was love relationship between me and the Petitioner/Accused. I say that out of misunderstanding between me and the Petitioners the present FIR was filed against the Petitioners. I do not want to prosecute the

Petitioners/accused persons in the subject FIR. I solemnly affirm that I have no objection if the subject FIR/Chargesheet is quashed and set aside.

3. I say that, myself and the Petitioner/Accused have arrived at an out of Court settlement. I say that due to the misunderstanding, I have filed the said FIR against the present Petitioner/Accused and in view of the out of court settlement, I do not want to prosecute against the Petitioner/Accused.
4. I say that, I have voluntarily, without any coercion, settled the matter with the Petitioner.
5. I say that, it is agreed between myself and the Petitioner that myself and the Petitioner shall not file any civil or criminal case/Complaint/any proceedings of whatsoever nature against each other in future.”

5) Since, we are informed by the learned Counsel for Respondent No.2 that as stated by her, she want to move ahead in life and in fact, she has moved ahead and she did not want to prosecute the aforesaid proceedings filed by her resulting into prosecution of the accused, we respect her wish and since we find that though the offence of rape is a serious offence, since there is settlement effected between the parties and the complainant herself has expressed that she has already moved ahead in life and she do not want to prosecute the proceedings against the accused, in our opinion she cannot be compelled to do so as the relationship shared

between the two was well known to both of them being adults and in our opinion, since the same was very personal in nature and which will not have any impact on the public at large, if settlement is given way to disposal of the proceedings against the accused, we deem it appropriate to quash the subject FIR to be followed by quashing of the Sessions Case No.123 of 2024 in the wake of affidavit that is filed by the complainant. Hence, the following order :-

ORDER

- (i) The FIR bearing C.R.No. 732 of 2022 dated 24/11/2022 registered with Narpoli police station, Bhiwandi, District Thane for the offences punishable under Sections 376, 376 (2)(N) of the Indian Penal Code and the charge-sheet bearing No.I-26/2023 and the Sessions Case No. 123 of 2024 pending before the Court of Additional District Sessions Judge, Bhiwandi are quashed and set aside.
- (ii) Petition stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)