

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

WRIT PETITION NO.1953 OF 2024

Sahil Anil Kataria

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.Vinayak Katti a/w Ms.Rukhsar Ansari – Advocates for
Petitioner.

Mr.S.R.Agarkar – APP for Respondent No.1 – State.

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

DATE : 25th FEBRUARY 2025

P.C. :

1. Heard learned counsel for the Petitioner. The
Petition is for quashing of the proceedings arising out of the
C.R. No.931 of 2022 registered at Worli Police Station on 23rd
July 2022 under Sections 376, 376(2)(n), 377, 323, 506 of the
Indian Penal Code, 1860 (“**IPC**”). The F.I.R. is lodged by the
Respondent No.2. At the time of lodging of the F.I.R., she was
32 years of age.

The F.I.R. goes on to mention as to how, they were
working in the same Office and how, their friendship
developed. She has clearly stated in her F.I.R. that they were in
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live in relationship from 5th July 2021 at Worli and thereafter, from 27th November 2021 upto 23rd April 2022 at Bengaluru.

It is her case, that the Petitioner was constantly promising to marry her. But, he did not fulfill his promise and finally, went to reside in Delhi. On this basis, the F.I.R. is lodged.

2. Learned counsel for the Petitioner submitted, that the contents of the F.I.R. show that it was a consensual physical relationship. It was going on for quite some time and therefore, it cannot be said, that the Respondent No.2 was not aware of the consequences or that, the marriage was not taking place. Therefore, no offence is made out.

3. Considering these submissions, it is necessary to hear the Respondent No.2. Learned counsel for the Petitioner has made out a case for grant of ad-interim relief. Hence, following order:-

O R D E R

- (i) Issue notice to the Respondent No.2 returnable on **29th April 2025.**
- (ii) Till then, the trial Court shall not proceed against the Petitioner.

(S.M.MODAK, J.)

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(SARANG V. KOTWAL, J.)

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