

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

WRIT PETITION NO.2642 OF 2024

Murad Kasim Khadpolkar

... Petitioner

Vs.

State of Maharashtra & Anr.

... Respondents

Ms. Shubhada Khot i/b Mr. Anthony Nadar, Mr. Danish Patil, Ms. Sambhavi and Ms. Gaytri for the Petitioner.

Ms. Supriya Kak APP for the Respondent No.1-State.

Mr. Gaurav R. Nyayanit for the Respondent No.2.

Mr. R. K. Chavan, PSI, Kandivali police station, Mumbai.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATED : 17th SEPTEMBER, 2025

P.C. :-

1) This Petition is for quashing of the proceedings in connection with Sessions Case No.398 of 2023, pending before the Additional Sessions Judge, Dindoshi, Mumbai arising out of C. R. No.237 of 2023 registered at the Kandivali police station on 15th April, 2023 under Sections 376, 504, 506 of the Indian Penal Code. The FIR is lodged by the Respondent No.2. She has stated that she was working in one resort as a telephone operator. The Petitioner was working as a Manager at the same resort. He developed

acquaintance. They fell in love. The FIR thereafter goes on to mention that in April 2022, they had gone to a room in a lodge but at that time she resisted their physical relation. They had first physical relation on 21st July 2022 in one lodge. She got pregnant but since they were not married, she accepted his suggestion to terminate the pregnancy. But after that he did not take any steps to get married with her. The FIR mentions that she was aware that the Petitioner was already married. According to her, he had represented to her that he would obtain divorce from his wife and then marry the Respondent No.2. On these allegations the FIR is lodged. The investigation was carried out and the charge-sheet is filed.

2) The parties have now settled the dispute. The Respondent No.2-first informant does not want to proceed ahead against the Petitioner. She has filed an affidavit affirmed before the Assistant Registrar of this Court. She has stated in the affidavit that though she had filed the FIR she does not want to continue with the prosecution. She wants to forget her past for peace of her mind. She has given specific no objection for quashing of the proceedings.

3) We have considered her affidavit and her wish to forget her past. She has given a specific no objection for quashing of the proceedings. There is also element of consent as is reflected in the FIR as she was aware that the Applicant was already married.

4) In this view of the matter, we are inclined to allow this Petition.

Hence, the following order :-

:: ORDER ::

- (i) The proceedings arising out of Sessions Case No.398 of 2023 arising out of C.R. No.237 of 2023 registered at Kandivali police station is quashed and set aside subject to the Petitioner paying cost of Rs.25,000/- (Rupees Twenty Five Thousand) to the Armed Forces Battle Casualties Welfare Fund within a period of eight weeks from today. The details of the bank account for payment of cost are as under :

Account Name :- Armed Forces Battle Casualties Welfare Fund

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi – 110 011

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

- (ii) The Petitioner shall submit a proof of such payment before the Registry of this Court within that period. If such a proof is submitted, the Registry shall not take any further action. But, if such a proof is not submitted, the matter be listed before this Court mentioning non-compliance of the order. In that case this order is liable to be recalled and set aside.
- (iii) The Petition is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)