

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

CRIMINAL WRIT PETITION NO.4561 OF 2024

Baban Mahadev Zalte

.....Petitioner

Versus

The State of Maharashtra

and another

.....Respondents

Mr. Swaraj Jadhav, Advocate i/b. Jagdish A. Dagade for the
Petitioner.

Smt. M.M. Deshmukh, APP for the Respondent No.1-State.

Mr. B.A. Lawate, Advocate for the Respondent No.2.

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

DATE : 24th MARCH, 2025

P.C. :

1. Leave to amend to mask the name of the
Respondent No.2 is granted. Amendment be carried out
forthwith.

2. This is a Petition for quashing of the proceedings
related to Sessions Case No.4/2023 pending before the
Additional Sessions Judge, Barshi, District - Solapur.

3. Heard Mr. Swaraj Jadhav, learned counsel for the

Petitioner, Smt. M.M. Deshmukh, learned APP for the Respondent No.1-State and Mr. B.A. Lawate, learned counsel for the Respondent No.2.

4. The FIR is lodged by the Respondent No.2 being C.R. No.175/2022 registered at Pangari police station under Sections 376(2)(N), 452, 506 of IPC. She has stated in her FIR dated 15.10.2022 that in June, 2022, the Petitioner contacted her through WhatsApp message. He expressed his desire to meet her. Initially she resisted. She told him that he should not call her but then at his insistence she went to Barshi to meet him. She was resident of a village Puri in Barshi Taluka. When she reached Barshi, she went with him to a lodge. At that time they had their physical relations. It is her case that he established physical relations with her against her wish. After that also they had their physical relations on three more occasions in a lodge and at one occasion in her house. On these allegations, the FIR is lodged.

5. The investigation is carried out and the charge-sheet is filed. The charge-sheet contains statements of her

mother-in-law, sister-in-law who had seen the Petitioner in a room with the informant.

6. From the allegations itself it is apparent that it was a consensual physical relationship. In any case, the parties have now settled the matter. The Respondent No.2 has filed her affidavit giving her specific no objection for quashing of these proceedings. She has stated that the Petitioner and she herself belong to the same community and, therefore, with the intervention of her husband and the reputed persons in the community, they have sorted out the dispute. She has no objection for quashing of the proceedings.

7. Learned APP Mrs. Deshmukh interacted with the Respondent No.2 and Mrs. Deshmukh was satisfied that the affidavit was filed free of any coercion. The Respondent No.2 had willingly given her no objection for quashing of these proceedings. There was substance in the submission that it was a consensual physical relationship.

8. Considering this situation and taking into account

the fact that there was an element of consent in the physical relations as the Respondent No.2 had accompanied the Petitioner at different places, we are inclined to allow this Petition.

9. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.175/2022 registered at Pangri Police Station, District – Solapur as well as the consequent proceedings being Sessions Case No.4/2023 pending before the Sessions Court, Barshi, Taluka – Barshi, District – Solapur, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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2025.03.27
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