

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4583 OF 2024

Nitesh Zanpu Joshi and ors .. Petitioners
Versus
The State of Maharashtra and anr .. Respondents
...

Mr. Ajit Suresh Alhat, for the Petitioners.
Mr. Kamlesh Ghogare for Respondent No.2.
Mr S.R. Agarkar, APP for the Respondent – State.

CORAM: BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.
DATED : 3rd DECEMBER, 2025

P.C:-

1. The present Writ Petition filed, pray for quashing of FIR No. 180 of 2017, registered with Khadakpada Police Station, invoking Sections 376, 354 (d), 504, 506, 507, 500, 109, r/w 34 of IPC. On completion of investigation the charge-sheet is filed.
2. The FIR came to be filed on the complaint of Respondent No.2 aged 22 years, with reference to the occurrence of events from 2016 till the date of filing of the FIR, as the accusations are levelled against the Petitioner to the effect that the proximity was developed between them but she allowed the physical indulgence only because he promised to marry, but when he failed to fulfill the same, the FIR came to be filed.
3. During the pendency of the Sessions Case No.233 of 2017 before the Sessions Court, the Respondent has filed an affidavit before us, where she categorically states as below:-

“3. I state that my father, who was the primary complainant and driving force behind the filing of the aforementioned FIR, passed away recently. His demise has significantly altered the circumstances surrounding the case. I have carefully considered the matter and, in light of my father’s passing, I do not wish to pursue the prosecution of the case further.

4. I state that the continuation of the legal proceedings in C.R. No.180 of 2017 and Sessions Case No.233 of 2017 would serve no meaningful purpose, given that the original motivation for the complaint stemmed from my father’s concerns and actions. In this absence, I find it appropriate to bring closure to this matter to avoid unnecessary prolongation of the legal process and to promote peace and harmony for all parties involved.

5. I unequivocally state that I have no objection to the quashing of the FIR bearing C.R. No.180 of 2017, as prayed for by the Petitioners in the present Criminal Writ Petition. I believe that quashing the FIR and charge-sheet would be in the interest of justice, considering the changed circumstances and my intention to not proceed further with the case.”

4. The affidavit filed by the complainant is taken on record.

In her affidavit she has made categorical statement that the affidavit is filed voluntarily without any coercion, undue influence, pressure, or inducement and she is fully aware of the legal implications of the statement made by her on oath.

5. The complainant is present before us and we specifically inquired with her about the affidavit filed by her, and she confirmed that she has accorded the no-objection to quash the subject FIR in the wake of the changed circumstances as she intend to avoid unnecessary prolongation of the legal process and for promoting peace and harmony in her life, she is according no objection for quashing of the FIR.

6. The Hon’ble Apex Court in case of *Kapil Gupta vs. State (NCT of Delhi) and anr* (2022) 15 SCC 44, while dealing with the similar situation and taking into account the observations of the Apex Court

in case of *Narinder Singh v. State of Punjab* (2014) 6 SCC 466, where a word of caution is expressed, that the High Court shall be cautious in exercising its inherent jurisdiction and in heinous and serious offences like murder or rape, the Court shall not quash the proceedings, their Lordships of the Apex Court specifically observed that in peculiar facts and circumstances, when the Respondent No.2, before the Court was a young lady of 23 years and she felt that going to trial would rob the prime of her youth and she would face agony, the Court observed thus while quashing the subject FIR:-

“16. In that view of the matter, we find that though in a heinous or serious crime like rape, the Court should not normally exercise the powers of quashing the proceedings, in the peculiar facts and circumstances of the present case and in order to give succour to Respondent 2 so that she is saved from further agony of facing two criminal trials, one as a victim and one as an accused, we find that this is a fit case wherein the extraordinary powers of this Court be exercised to quash the proceedings.

17. In that view of the matter, the appeal is allowed and proceedings in the criminal case arising out of the following FIRs are quashed and set aside:”

7. Since, we are guided by the observation of the Apex Court to the aforesaid effect, and we are confronted with a similar situation, when the Respondent No.2, in order to protect the peace in her life, is desirous of drawing curtains on the proceedings, which were initiated at her instance, and she has accorded no objection for quashing of the FIR as well as the criminal case, we feel it necessary to respect her wishes and desire.

Though, the offence of rape is a serious offence, but in this case when the complainant herself is giving her no objection and as she do not want to go through the rigmarole of the trial, we deem it appropriate to quash the FIR No. 180 of 2017 registered with

Khadakpada Police Station, as well as the Sessions Case No. 233 of 2017, pending in Kalyan Sessions Court.

In view of the above, Petition is made absolute.

(SHYAM C. CHANDAK,J)

(BHARATI DANGRE, J.)