

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

CRIMINAL WRIT PETITION NO. 4626 OF 2024

Ankit Yatendra Chauhan

.....Petitioner

Versus

1. The State of Maharashtra

2. XYZ

.....Respondents

Adv. Anand Mishra i/by Santosh Saroj – Advocate for the Petitioner.

Adv. Pranot P. Pawar - Advocate for the Respondent No. 2

Mr. S. V. Gavand - APP for the Respondent-State.

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

DATE : 21st APRIL 2025

P.C. :

1. Heard learned Counsel Shri Mishra for the Petitioner-accused, learned APP Shri Gavand for the Respondent-State and learned Counsel for the Respondent No. 2-first informant.

2. There is F.I.R. registered at Goregaon Police Station bearing C.R. No. 442 of 2018. It was registered on 16.08.2018. The offences are under Sections 376 (2)(n), 313, 417, 323, 504 and 501 of the Indian Penal Code. The Police have completed the investigation and

the charge-sheet is filed, and the case is pending before the Court of the Additional Sessions Judge at Dindoshi. The charge is yet not framed.

3. As per the averments in the F.I.R., the first informant was working as an Artist. She has also worked in certain TV serials. She got acquainted with the present Petitioner. At that time, the Petitioner was residing on rental basis at Goregaon. He is from Uttar Pradesh. He was doing the work of the finance in Starlight Production Company. It is her case that she was called by the Petitioner on 09.04.2017 near Ram Mandir Road at Goregaon West. It is her case that the Petitioner tried to convince her not to do job of an artist, but he gave a proposal to marry her.

4. On 09.04.2017, the Petitioner established physical relationship with her. The Petitioner assured her that they were going to marry with each other. It is her case that this incident was repeated on more than one occasion. It is her case that the Petitioner had arranged for her residential accommodation as a paying guest at Andheri West. It is her case that she was pregnant, but the Petitioner refused to marry her. The Respondent No. 2 was compelled to lodge

a complaint and that is how the offence came to be registered and the charge-sheet is filed.

5. The Petitioner is connected to the business of film production. Whereas the Respondent No. 2 was working as an Artist. Both of them have settled the dispute. The first informant today is present in the Court. She has filed an affidavit thereby giving consent for quashing of the prosecution.

6. Learned APP has verified with her and the learned APP submitted that the incident has arisen out of a consensual relationship. She has also verified that there is no coercion on the Respondent in filing the said affidavit. The charge-sheet consists of the certain documents including panchnamas and other medical papers. We have gone through the papers. It is revealed that the Respondent No. 2 is major and the first incident took place on 09.04.2017 and the F.I.R. came to be lodged on 16.08.2018. There is every reason to believe that the relationship was consensual. If it is so, no purpose will be served by keeping the prosecution pending.

7. Both the Parties have decided to move further, and if the prosecution will remain pending, it will come in their way of future

development. As such the dispute is personal in nature, we are inclined to quash the prosecution. Hence, the following order :-

ORDER

- (i) The Writ Petition is allowed.
- (ii) The F.I.R. registered against the Petitioner vide C.R. No. 442 of 2018 at Goregaon Police Station under Sections 376 (2)(n), 313, 417, 323, 504 and 501 of the Indian Penal Code and the consequent proceedings are quashed and set aside.

8. Accordingly, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)