

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

CRIMINAL WRIT PETITION NO. 5249 OF 2024

Irfan Mannan Deshmukh

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Faisal F. Shaikh for Petitioner.

Mr. S. R. Agarkar, APP for State/Respondent.

Ms. Ruchika Ghag, APP for Respondent No.2.

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

DATE : 28 JANUARY 2025

PC :

1. This is a petition for quashing of the F.I.R. registered vide C.R.No.1297 of 2024 at Malvani police station, under sections 69 and 115(2) of the Bhartiya Nyaya Sanhita, 2023 and the consequent Sessions Case No.594 of 2024 pending before the Sessions Judge, Dindoshi. This is a petition for quashing by consent.

2. Heard Mr. Faisal Shaikh, learned counsel for the Petitioner, Mr. Agarkar, learned APP for the State and Ms. Ruchika

Ghag, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2 on 01.10.2024. She has stated that the petitioner was her school friend. In the year 2020, both of them got in touch with each other through a social networking site. The petitioner was working as Chef on a ship. They were constantly in touch through the internet. It is her case that the petitioner told her that he wanted to marry her. In March 2021, they went to a lodge and had their first physical relations. It is her case that the petitioner had promised to marry her. They visited different places and lodges and had their physical relations.

4. On 08.09.2024, on one of such occasion, the Respondent No.2 again asked about their marriage, but the petitioner did not respond. Another woman called the Respondent No.2 from the petitioner's phone and informed the Respondent No.2 that the petitioner was already married and he was cheating the Respondent No.2. On these allegations the F.I.R. was lodged.

5. Now, the matter is settled between the parties. The

Respondent No.2 has filed her affidavit affirmed before the Assistant Registrar of this Court. In the said Affidavit, she has mentioned that they have settled their disputes and that she had no objection if the F.I.R. and the consequent sessions case are quashed.

6. We have considered this affidavit affirmed before the Assistant Registrar of this Court. The F.I.R. itself mentions that, for a long period between March 2021 to September 2024 they regularly had their physical relations. During that period the petitioner had not taken any definite steps to get married and yet she had continued to have physical relations with him. It appears that it was a consensual relationship and there is a possibility that she was aware that the marriage was not taking place. In any case, now the matter is settled between the parties and the Respondent No.2 has given her no objection for quashing of the proceedings. In this situation, we are inclined to allow this petition.

7. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide C.R.No.1297 of 2024 at Malvani police station, under sections 69 and 115(2) of the Bhartiya Nyaya Sanhita, 2023 and the consequent Sessions Case No.594 of 2024 pending before the Sessions Judge, Dindoshi, are quashed and set aside; subject to the petitioner depositing cost of Rs.25000/- for setting the police machinery in motion and for the efforts that the investigating agency has put in for investigating the matter.
- ii) The cost of Rs.25000/- shall be paid to the Central Police Welfare Fund within a period of eight weeks from the date of uploading of present order on the official website of High Court of Bombay.

1. Details of the bank account of the Police Welfare Fund for payment of cost are as under:

Bank Name	: Axis Bank Limited.
Branch Name	: Worli, Mumbai (H.H.) Mumbai-400025
Account Name	: Central Police Welfare Fund
Account No.	: 914010029005759
IFSC Code	: UTIB0000060

- iii) If such amount is paid within the stipulated time, and the acknowledgment is shown in the Registry, there shall be no further reference to the Court.
- iv) If the cost is not paid by the petitioner within the stipulated period as mentioned above, the Registry shall place this matter for further consideration. In that case, this order is liable to be recalled and the prosecution can be revived.
- v) With these directions, the writ petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)