

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

CRIMINAL WRIT PETITION NO. 5449 OF 2024

Prasanjeet Chandan Basak

.....Petitioner

Versus

1. The State of Maharashtra and

2. XYZ

.....Respondents

Adv. Bavel Singh a/w Adv. Janahvi Singh - Advocate for the
Petitioner.

Adv. Chirag R. Rathod – Advocate for Respondent No. 2.

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

PI Giri – Pairavi PSI Chavan Kandivali Police Station, Mumbai.

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

DATE : 27th FEBRUARY 2025

P.C. :

1. This is a petition for quashing of the F.I.R. registered vide C.R. No. 552 of 2018 at Kandivali Police Station under Section 376(2) (n) of the Indian Penal Code, dated 28.10.2018 and the consequent proceeding bearing C.C. No. 284/PW/2020 pending before the Sessions Court at Dindoshi.

2. The F.I.R. is lodged by the Respondent No. 2. She has stated that at the time of lodging of the F.I.R. she was 21 years old. Prior to lodging of the F.I.R., she got acquainted with the Petitioner. They

became friends and their friendship turned into love relationship. The F.I.R. thereafter goes on to mention that from November 2017 to October 2018, they had physical relations on several occasions at different places. Her contention was that, initially, he promised to marry her, and therefore, although she was not willing, they had their first physical relation and thereafter, it was repeated on many occasions at different places. Ultimately, he did not marry her and therefore, this F.I.R. is lodged.

3. Learned Counsel for the Petitioner rightly submitted that the case in the F.I.R. shows that, it was purely a consensual relationship. She was quite aware that the marriage was not taking place and yet they had their physical relationship at different places on different occasions. Therefore, it is quite clear that it was a consensual physical relationship. Even otherwise, the Parties have now settled the matter. The Respondent No. 2 has filed her affidavit-in-reply. She has stated in the affidavit, she has decided to withdraw the complaint against the Petitioner after her family and friends intervened. They have decided to separate from each other and pursue their separate lives and go their separate ways. She has given her consent and no objection for quashing of this proceeding. The

affidavit mentions that she expects the Petitioner to refrain from contacting her and any of her family members for any purpose whatsoever and the Petitioner should not attempt to harm her or tarnish her name and reputation in the society or try to defame her in any manner. She has given her consent on these expectations and conditions.

4. The Petitioner is present in the Court. He is identified by his learned Counsel. He stated before the Court he will strictly abide by those conditions. The Respondent No. 2 is also present in the Court. She is identified by her learned Counsel. She reiterated the statements made in the affidavit. She stated before the Court she has no objection for quashing of the proceeding.

5. The dispute between the Parties is purely personal in nature. Their relationship was consensual. Both of them have decided to part ways and live their separate lives. No purpose will be served in continuing the prosecution. Both are young, and their entire lives are ahead of them. Therefore, we are inclined to allow the petition. Hence, the following order:-

ORDER

- (i) The Writ Petition is allowed.
 - (ii) The F.I.R. registered vide C.R. No. 552 of 2018 registered with the Kandivali Police Station under Sections 376(2) (n) of the Indian Penal Code and the consequent proceedings pending before the Sessions Court at Dindoshi, Mumbai vide CC No. 284/PW/2020 are quashed and set aside.
6. Accordingly, the petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)