

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

CRIMINAL WRIT PETITION NO. 5474 OF 2024

Jayesh Arvind Shirsath

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Piyush Toshnival i/b. Mr. Ashish Pawar for Petitioner.

Ms. Sangita E. Phad, APP for State/Respondent.

Mr. Ajinkya Udane a/w. Vinayak Pandit, Sufyaan Mansuri i/b.
Mrunal Bhoite for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 06 OCTOBER 2025

PC :

1. This is a petition for quashing of the proceedings arising out of the C.R.No.286 of 2024, registered at Khadki police station, Pune, on 20.10.2024, under sections 64, 64(2)(m) and 69 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'). The charge-sheet is already filed and the case is pending before the learned J.M.F.C., Khadki. The case is not yet committed to the Court of Session.

2. A prayer is made for quashing by consent. Since the parties have settled their dispute, it is not necessary to refer to the

allegations in detail. However, briefly stated, the allegations are that the Respondent No.2, who had lodged the F.I.R., got acquainted with the Petitioner in September 2022 through a social networking site. They exchanged their mobile phone numbers and started communicating with each other. In December 2022, her family had fixed her marriage with another person. She informed this fact to the Petitioner. The Petitioner convinced her that he would marry her instead. In between, the engagement ceremony of the Respondent No.2 with the other person had already taken place on 01.01.2023. In spite of that, the Petitioner persuaded her and sent an emotional video. The Respondent No.2 got convinced. They met in January 2023. He told her that, she should not get married with somebody else and they would perform the marriage with each other. Therefore, she declined to get married with the other person. The F.I.R., thereafter, goes on to mention that, since April 2023 they developed their physical relationship. Their respective families met each other on 01.01.2024. The Petitioner's father suggested that they should wait for some time as the period was not favourable. He advised to wait till 2026. The Respondent

No.2's father was not ready to wait for that long a period. In the meantime, the Petitioner was telling her that she should not worry and they would get married. Even after that, in August 2024, they had their physical relations. But after that he started avoiding her. Even thereafter, they had their physical relations on 28.09.2024. After that, the Petitioner completely stopped talking with her. He blocked her phone number. On these allegations the F.I.R. was lodged.

3. The Respondent No.2 has filed her Affidavit in this Court. She has stated in her Affidavit that the dispute was settled between herself and the Petitioner. They had entered into the consent terms which are annexed to this Affidavit at Exhibit-A. She had recorded her specific no objection for quashing of these proceedings. She was filing this Affidavit voluntarily. The Respondent No.2 was interviewed by the learned APP Smt. Phad.

4. Learned APP told the Court that she is satisfied that the Affidavit is filed voluntarily and the Respondent No.2 genuinely wishes to give her no objection for quashing of these proceedings.

She wants to move ahead in her life. She does not want to hamper her life by these pending proceedings.

5. We have considered this situation. From the F.I.R. it appears that, their families had met each other. Petitioner's father was not agreeable to their marriage in near future. There were obstacles in their marriage. In spite of that their physical relations had continued.

6. A copy of the charge-sheet is not annexed to his petition. But a copy of the charge-sheet is produced for our perusal. The charge-sheet contains the statement of not only the Respondent No.2, but all their respective friends. Those statements support the fact that both of them were in a relationship.

7. Now the Respondent No.2 has given her no objection for quashing of these proceedings. In this view of the matter, since it was purely a personal matter between them and since it is settled; in this particular case, the society at large is not involved or affected. Even the Respondent No.2 has given her clear no objection. Therefore, continuation of the criminal proceedings

would serve no purpose. Hence, we are inclined to allow this petition.

8. Hence, the following order:

O R D E R

- i) The proceedings arising out of the C.R.No.286 of 2024, registered at Khadki police station, Pune, on 20.10.2024, under sections 64, 64(2)(m) and 69 of the Bharatiya Nyaya Sanhita, 2023, are quashed and set aside.
- ii) The writ petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)