

Salgaonkar

MANDIRA MILIND
SALGAONKAR
Date: 2025.11.25 15:29:27 +05:30

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.5560 OF 2024****WITH****WRIT PETITION NO.5711 OF 2024****WITH****WRIT PETITION NO.5552 OF 2024**

Sunit Arvind Waghmare .. Petitioner

Versus

State of Maharashtra & Anr. .. Respondents

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Mr.Ashutosh Gaikwad for the Petitioner.

Mr.Santosh Tiwari for the Respondent No.2/Orig. Complainant.

Mr.T.G.Khan, Addl.P.P. for the State/Respondent in
WP/5560/24 and WP/5552/24.

Mrs.Sangeeta D.Shinde, Addl.P.P. for the State/Respondent in
WP/5711/24.

PSI Mote, attached to Bhoiwada Police Station, present.

**CORAM: BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 25th NOVEMBER, 2025

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P.C:-

1. The three Petitions filed by one Petitioner seek quashing of distinct FIRs registered upon the complaint being filed by Respondent No.2.

F.I.R.No.19 of 2021 was registered with Lonavala City Police Station on 18/02/2021 on the allegations of the Complainant, resulting into invocation of Sections 376(2)(n), 420 read with 506 of the Indian Penal Code (for short, “IPC”). On completion of investigation, charge-sheet came to be filed before the JMFC Vadgaon, Maval. After the aforesaid F.I.R. is registered, a subsequent F.I.R. came to be registered on 08/06/2021 with Bhoiwada Police Station, which invoke Sections 354, 354(A)(1)(ii) and (iv), 354-D(1) and D(2) and 506 of IPC, the occurrence of events being set out in the F.I.R. as between 01/04/2021 till 08/06/2021. Yet another F.I.R. was registered with the same police station on 26/10/2021 invoking Sections 354(A), 354(D) and 509 of IPC, once again at the instance of the Complainant.

In the two subsequent FIRs also, on completion of investigation, charge-sheets have been filed.

2. It is informed across the bar that in the F.I.R. invoking Section 376 of IPC, trial has commenced and the Complainant has stepped into the witness box and the trial is in progress.

3. During the course of hearing of the three proceedings, the Complainant/Informant i.e. Respondent No.2 has tendered an affidavit, affirmed on 25/11/2025, where she categorically stated that the dispute between herself and the person, who was arraigned as an accused upon the complaint filed by her, is settled and she has no grievance against him and she is not desirous of prosecuting the complaint. She has categorically stated in her affidavit as below :-

“4. In the interest of justice and maintaining peace, the Petitioner and I have mutually agreed to resolve the matter.

5. Upon reflection and after discussions, I realize that I need to move on and start a new life and the ongoing matter will disturb my future and also my marriage in the future.

6.

7. In view of the amicable settlement between the Petitioner No.1 and me, I respectfully request that this Honourable Court be pleased to quash the Chargesheet and FIR No.19/2021, dated 18.02.2021, registered at Lonavala City Police Station against the Petitioner to serve the ends of justice.”

Identical affidavit is filed in all three cases and we have taken the same on record. The Complainant is present before us and upon specific query to her, whether the consent given by her to quash the FIRs lodged by her is willful, she confirmed to us that on her volition, she is according her consent for quashing the FIRs, as she has decided to move ahead in life.

4. We have given our thoughtful consideration to the submissions advanced before us by the respective counsel that since now the parties have settled the dispute amongst themselves and though the offence in one of the F.I.R. was a serious offence, as he was accused of committing an offence under Section 376(2)(n), but when the Complainant herself had made statement that she has pondered over and have ultimately decided not to prosecute the proceedings filed by her, in the interest of justice, we deem it appropriate to respect her wishes and close the proceedings.

In our endeavour to do so, we are guided by the observations of the Apex Court in the case of ***Kapil Gupta Vs.***

State (NCT of Delhi) & Anr.¹, where in a similar situation, when the proceedings under Section 482 were filed before the High Court and a request was made that the F.I.R. should be quashed, as there was amicable settlement between the parties, the High Court dismissed the Petition. The Respondent No.2/complainant therein had accorded her no-objection to end the proceedings and recording that her consent was voluntary and without any coercion and duress, as she had specifically stated that she wanted to lead her life in peace by bringing an end to the criminal proceedings, their Lordships of the Apex Court, specifically refers to its earlier decision in the case of ***Narinder Singh Vs. State of Punjab***², where it is held that the High Court should examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases. The pertinent observations of the Apex Court record thus :

“12. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

13. The Court has further held that it is also relevant to consider as to what is stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.

1 (2022) 15 SCC 44

2 (2014) 6 SCC 466

14. The facts and circumstances as stated hereinabove are peculiar in the present case. Respondent No.2 is a young lady of 23 years. She feels that going through trial in one case, where she is a complainant and in the other case, wherein she is the accused would rob the prime of her youth. She feels that if she is made to face the trial rather than getting any relief, she would be faced with agony of undergoing the trial.

15. In both the cases, though the charge-sheets have been filed, the charges are yet to be framed and as such, the trial has not yet commenced. It is further to be noted that since Respondent No.2 herself is not supporting the prosecution case, even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.

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 No. 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 criminal proceedings.”

5. In the wake of the aforesaid authoritative pronouncement, since we find that the facts in the present case are somehow similar and though we are conscious of the fact that in reference to the grave offences, will include an offence of rape, but since we find that the Complainant is a matured lady, who has taken a decision for the sake of her future not to prosecute the proceedings filed by her, as she is also looking for own future ahead and, therefore, we deem it appropriate to respect her wishes.

6. As a result, F.I.R. Nos.302 of 2021 and 416 of 2021, both registered with Bhoiwada Police Station and F.I.R.No.19 of 2021 registered with Lonavala City Police Station and the charge-sheets filed pursuant thereto are quashed and set aside.

7. However, for using the machinery of the Court as well as engaging the entire police machinery, which consumed considerable time and man power, we deem it appropriate to direct the Petitioner to pay the cost of Rs.50,000/- (Rs.Fifty Thousand Only) cumulatively in all the three Writ Petitions and deposit the same with High Court Legal Services Authority within a period of four weeks from today.

Subject to the deposit of the costs as aforesaid, the Petitions are made absolute.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)