

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.6218 OF 2024**

Adhyatma Prabhashankar Tiwari ... Petitioner
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Gaurav Shukla with Jairam Jain i/b Apex Juris LLP for the Petitioner.
Ms. Sangeeta D. Shinde APP for Respondent No.1-State.
Ms. Rashmi Bhandarkar for Respondent No.2.
Mr. R. G. Gujar PSI, Malad police station present.

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

DATE : 23rd DECEMBER, 2025

ORDER : (PER SHYAM C. CHANDAK, J.)

- 1) Present Petition is seeking quashing and setting aside of FIR bearing C. R. No.214 of 2023 registered with Malad Police Station, Mumbai at the instance of Respondent No.2, under Sections 376, 376(2)(n), 500, 504, 506 of I.P.C. and consequent charge-sheet bearing No.577 of 2023.
- 2) Heard Mr.Shukla, learned Counsel for the Petitioner, Ms.Shinde, learned A.P.P for Respondent No.1-State and Ms.Bhandarkar, learned Counsel for Respondent No.2. Perused the Petition.
- 3) At the outset, the learned Counsel appearing for the Petitioner and Respondent No.1 stated that the dispute and differences between them

have been settled and come to an end. Pursuant to the said settlement, Respondent No.2 has consented to quash and set aside the proceedings arising out of the impugned FIR and consequent charge-sheet. An Affidavit duly signed and affirmed by Respondent No.2 to that effect, is produced. The same is taken on record.

4) The prosecution case is that in August-September 2021 Petitioner and Respondent No.2 were working in the same company. Gradually, they became friends and love relation established between them. In October 2021, the Petitioner called Respondent No.2 to meet him at his residence by stating falsely that their colleagues were also visiting at his place. At about 10.00 am Respondent No.2 went there. However, no colleague of their office was present there. Thereafter, the Petitioner forcibly committed sexual intercourse with Respondent No.2. However, she did not complain against the Petitioner since she was married. Thereafter, in February 2022, again the Petitioner subjected Respondent No.2 to forcible sexual intercourse at his new place of residence by threatening her that he would tell her husband about their earlier physical relationship. Thereafter, Respondent No.2 learnt that Petitioner was having love affair with another girl. When Respondent No.2 objected to that, the Petitioner again threatened her. The said girl then informed the husband of Respondent No.2 about the relationship between the Petitioner and

Respondent No.2. When her husband asked about it, Respondent No.2 denied the allegations. At that time, she was pregnant. Therefore, she wanted to stay with her husband. However, when Respondent No.2 resume her work after the maternity leave, the Petitioner called her at his residence to which she refused. Then, the husband of Respondent No.2 called the Petitioner at his residence, but at that time, the Petitioner assaulted the Respondent No.2 and caused hurt. In February 2023, the Petitioner again threatened to Respondent No.2 and tried to harass her. Therefore, Respondent No.2 filed a complaint with Malad Police Station, Mumbai on 23/04/2024. Consequently, police registered the impugned FIR and on completion of the investigation submitted charge sheet.

5) The learned Counsel for the Petitioner and Respondent No.2 submitted that the said FIR was filed out of misunderstanding and personal discord. However, the Respondent No.2 had no intention to harm the Petitioner in any manner. Therefore, the Respondent No.2 has no objection to quash and set aside the proceedings arising out of said FIR and consequent charge-sheet.

6) Respondent No.2 is present through Video Conferencing. She is identified by her Counsel. She states that she has signed the affidavit out of her free will and after reading and understanding its contents. She further states that the dispute between her and the Petitioner has come to an end.

They both have decided to lead their own life freely and as per their choice. Therefore, she has no objection to quash and set aside subject FIR and consequent charge-sheet.

7) The relevant matter in the affidavit of Respondent No.2 reads thus :-

- “3. I state that the said complaint was filed due to misunderstanding, emotional differences, and personal discord that arose between me and the Applicant. There was no intention to cause any harm or prejudice beyond the issues that existed at that time.
4. I state that due to passage of time and to avoid further acrimony and protracted litigation, both parties have mutually decided to amicably settle all their disputes, differences and grievances without any pressure, threat, coercion, or undue influence from any corner.
5. I state that I am a young woman with family responsibilities and employment to look after. It is not in my interest or the interest of my family to continue with prolonged and stressful litigation. I therefore do not wish to pursue the complaint or any further legal proceedings arising out of the same.
6. I state that I have no subsisting claims, demands, grievances, or disputes of any nature whatsoever against the said accused or his family members in respect of the complaint, FIR, or any related proceedings.
7. I state that I have no objection if this Hon'ble Court is pleased to quash the FIR bearing C.R. No. 0274/2023 dated

08/04/2023 registered with Malad Police Station and all proceedings arising therefrom, including Special Case No. 577 of 2023.

8. I am aware that the offence under Section 376 IPC is non-compoundable. However, considering the peculiar facts and circumstances, the young age of the parties, the amicable settlement, and to enable both parties to peacefully move forward in life, I am voluntarily expressing my no objection to the quashing of the FIR and proceedings.
9. I state that I am making this affidavit voluntarily, in good faith, and with free will, without any monetary or other inducement from the accused or any other person”.

6) In the case of *Kapil Gupta vs. State (NCT of Delhi) and Another*¹, it has been held that though the Court should be slow in quashing proceedings involving heinous and serious offences, the High Court is not foreclosed from examining as to whether there is sufficient evidence which if proved would lead to proving the charge for the alleged offence. The Court also has to take into consideration as to whether the settlement between the parties is going to result into harmony between them and improve their mutual relationship.

7) In that view of the matter, we deem it appropriate to respect the decision taken by the Petitioner and Respondent No.2 to put an end to the proceedings arising out of impugned FIR and consequent charge-sheet.

1 (2022) 15 SCC 44

This approach would certainly help the Petitioner and Respondent No.2 to lead their life happily, free from stress and emotional disturbance. Thus, we are inclined to grant the Petition and thus pass the following order :

ORDER

- (i) Petition is allowed.
- (ii) The subject FIR bearing C. R. No.214 of 2023 registered with Malad police station, Mumbai at the instance of Respondent No.2, under Sections 376, 376(2)(n), 500, 504, 506 of I.P.C. and consequent charge-sheet bearing No.577 of 2023 is quashed and set aside.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)