

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

CRIMINAL APPLICATION NO.1025 OF 2024

Nishant Ramesh Singh

.... Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Ammar Nizami, Advocate for Applicant.
- Smt. M. M. Deshmukh, APP for the State/Respondent.
- Mr. Rajesh Chodankar i/b. Tamseel Anees Momin, Advocate for Respondent No.2.

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

DATE : 28th JANUARY, 2025

P.C. :

1. This is an application for quashing of C.R. No.I-219/2024 registered with Kashimira police station, Thane and the consequent proceedings bearing R.C.C. No.3651 of 2024 pending before the learned Judicial Magistrate First Class, Thane. The matter, at present, is committed to the Court of Session at Thane and is numbered as Sessions Case No.354 of 2024. Learned counsel for the Applicant seeks leave to incorporate the Sessions Case number in his prayer clause. Leave is granted. Amendment shall be carried out forthwith.

2. This application is filed for quashing of these proceeding by consent. The FIR is lodged by the Respondent No.2 vide C.R. No.219/2024 on 29/03/2024 u/s 376 of the Indian Penal Code. She has stated that at the time of registration of the FIR, she was 26 years of age. Earlier she had married one Aniket Dubey on 30/01/2020. However, he was consistently harassing her and used to beat her. Therefore, she had started residing with her parents from 07/07/2020. In August 2020, she had gone to her native place. At that time, she came in contact with the Applicant. They exchanged their mobile numbers. In September 2020, the Respondent No.2 came back to reside at Mira Road to stay with her parents. The Applicant also came to reside at Shahad. Thereafter they kept in touch. The Respondent No.2 used to tell him that her husband was harassing her and that she did not wish to stay with her husband and she wanted to obtain divorce. Their friendship developed. The Applicant promised to marry her and also promised to help her monetarily and get services of a lawyer. He accordingly helped her financially for that purpose. Because of this and since the

Applicant was willing to marry her; from December 2020, she decided to stay with him. Thereafter, she described the various instances when they had their physical relations. This was known to the Applicant's relatives as well. Their physical relations continued till 16/03/2024. Though she has stated that he had established physical relations against her wish, she has also admitted that she had decided to stay with him. This went on till 16/03/2024. But he did not show any inclination to marry her. Therefore, she lodged the FIR.

3. The investigation was carried out and the charge-sheet is filed. However, now the matter is settled between the parties and the Respondent No.2 has filed her affidavit. In paragraph No.3 of her affidavit, she has stated that the Applicant and she herself have got together and in fact have married each other as per Hindu rites and customs on 28/05/2024 in a temple in Dombivali. She has further stated in paragraph No.4 that both of them were now living happily with each other as husband and wife and she did not wish to proceed with the FIR lodged by her. She has mentioned that she has no objection for grant of relief

in this application. The Respondent No.2 is present in the Court. She is identified by the learned counsel who is appearing for her today. She stated before the Court that both of them are married and are living together and she did not wish to continue with her complaint. She gave her no objection for quashing of the proceedings. The FIR also mentions that she obtained divorce from her first husband from the Family Court at Thane and thereafter she married the Applicant.

4. The FIR itself mentions that the physical relationship was consensual. The Respondent No.2 was a major and she was aware of the entire situation. Today, the Applicant and the Respondent No.2 have got married and are residing happily together. The Respondent No.2 has no objection to quash all the proceedings. Therefore, we are inclined to allow this application.

5. Hence, the following order :

ORDER

- (i) The application is allowed.

- (ii) The proceedings arising out of the C.R. No.I-219/2024 registered with Kashimira police station, Thane, resulting in Sessions Case No.354 of 2024, before the Court of Session at Thane, are quashed and set aside.
- (iii) The application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)