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

CRIMINAL APPLICATION NO. 1044 OF 2024

Mahesh Ramesh Pandit & Anr. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

Ms. Surbhi Agrawal, Advocate for the Applicants.

Mr. R.M. Pethe, APP for Respondent No.1/State.

Mr. Shubham Kahite, Advocate for Respondent No.2.

**CORAM : RAVINDRA V. GHUGE
&
RAJESH S. PATIL, JJ.**

DATE : 20th JANUARY, 2025

P.C. :-

1. We have heard the learned Advocate for the Applicants and the Complainant. The learned APP has addressed us, on instructions from the concerned Officer.

2. We have perused the First Information Report ('FIR'), which clearly indicates that the Accused and the Complainant were in a love relationship. It was the belief of the Complainant that the Accused took undue advantage of the love relationship and therefore, an offence under Section 376 read with Section 376(2)(n), was committed. The FIR No.0260 of 2019 was registered with the

Wanwadi Police Station, Pune City on 3rd May, 2019. Now, we are informed that the two have got married on 25th June, 2019 and the certificate of registration of marriage dated 29th June, 2019, issued by the Wanawadi-Ramtekdi AMC Office, is placed on record at Page No.188.

3. When we called upon the learned Advocates to state as to why this Application took time to be filed for quashing by consent, until 2024, we are informed that the couple separated after marriage and started residing in different shelters. Now, they have again started residing together.

4. The learned Advocate representing the Complainant has tendered an affidavit dated 22nd July, 2024, which is at Page Nos.190 to 193. He submits that he identifies his client, though she is not present in the Court and since both of them have got married and are now living together, the FIR may be quashed by consent. There is no dispute that the couple were of a marriageable age, when the alleged offence took place.

5. Considering the above and the specific statement made by the learned Advocates representing both the sides, and keeping in

view that a photostat copy of the Marriage Certificate is attested by the learned Advocates that, this **Criminal Application is allowed** in terms of Prayer Clause (i), which reads as under :-

“i. This Hon’ble Court be pleased to quash and set aside the FIR bearing C.R. No.0260 of 2019 dated 03.05.2019 registered with the Wanawadi Police Station, Pune for offences punishable u/s 376, 376 (2)(n), 324, 323, 504, 506 and 34 of the Indian Penal Code and further proceedings in Sessions Case No.637 of 2019 pending before Ld. Additional Sessions Judge, Pune;”

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)