

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1503 OF 2024

Dattatray Kailas Kadam
Age 26 years, Occ : Service
R/o. Shivtej Nagar, Hadapsar
Pune 411 028

... Applicant

Vs.

1. The State of Maharashtra
Through Hadapsar police station, Pune

2. XYZ

... Respondents

Mr.Priyal Sarda with Advocate Shubham Sarve h/f Advocate Deepak
Girme for the Petitioner.

Mr. Tanveer Khan APP for the Respondent No.1-State.

Mr. Bhushan Walimbe for Respondent No.2.

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

DATE : 26TH NOVEMBER, 2025

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

1) This Application filed under Section 482 of the Code of Criminal Procedure corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhitam seeking quashing and setting aside of an FIR bearing C.R.No.681 of 2024 registered with Hadapsar police station, Pune for the offence punishable under Sections 376, 376(2)(n) and 506 of the Indian Penal Code.

2) Rule. Rule made returnable forthwith. Mr. Khan, learned A.P.P. waives service on behalf of Respondent No.1-State and Mr. Walimbe, learned Counsel waives service on behalf of Respondent No.2. By consent, taken up for the final hearing.

3) The aforesaid FIR came to be registered on the basis of an oral report dated 21st April 2024, filed by Respondent No.2. Sometime in the month of September 2023, Respondent No.2 and the Applicant came in contact through Instagram. In October 2023, they met at Pune. In November 2023, the Applicant took Respondent No.2 to a certain lodge and committed forcible sexual intercourse on few occasions with Respondent No.2 on the false promise that he would marry her. Thereafter, the Applicant told Respondent No.2 that he cannot marry her, therefore, on 9/03/2024, Respondent No.2 attempted to commit suicide by cutting her wrist. After recovering from the said injury, Respondent No.2 contacted the Applicant on 20/04/2024, however, the Applicant straightway told her that he does not want to marry her, therefore, the police registered the said FIR. However, later on, the parties decided to amicably settle the dispute and they have arrived at a settlement. Hence, the Applicant has filed this Application.

4) As per the settlement arrived at, Respondent No.2 has given her consent to quash and set aside the FIR and consequent proceedings

arising therefrom. The affidavit is duly signed and affirmed by Respondent No.2 is tendered today by Mr. Walimbe, learned Counsel appearing for Respondent No.2. In the affidavit, Respondent No.2 has categorically stated that the parties have settled the matter amicably and they have decided to keep harmony between them to enable them to live with peace and love. Both the parties have undertaken not to indulge in any litigation against each other and withdraw all the complaints/allegations, if any. As such continuance of the said FIR and consequent proceedings will be a futile exercise. It is stated that if the case is not settled, great prejudice will be caused to the parties. Therefore, the present Application is filed pursuant to amicable settlement between the parties and the guiding factor in such case would be to secure the ends of justice and to prevent abuse of process of law.

5) Considering the facts in the FIR, it appears that physical relations between the Applicant and Respondent No.2 were with consent. The affidavit dated 27/09/2024 is enclosed with the Application. The affidavit tendered today states that, now Respondent No.2 has married and she is residing with her husband at Kolhapur. She is therefore unable to physically attend this case, however, she has instructed her Advocate to give necessary consent on her behalf. The affidavit also mentions the request made by Respondent No.2 to this Court to quash and set aside the

impugned FIR.

6) In the wake of the above, it is necessary that the decision of the parties to live happily by forgetting their differences must be respected, otherwise refusal to quash and set aside the FIR would create problems in the matrimonial life of Respondent No.2. Therefore, we are inclined to allow this Application. 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 Applicant to pay the cost of Rs.25,000/- (Rs. Twenty Five Thousand Only) cumulatively in this Application and deposit the same with High Court Legal Services Authority within a period of four weeks from today.

ORDER

- (i) The subject FIR bearing C.R.No.681 of 2024 registered with Hadapsar police station, Pune for the offence punishable under Section 376, 376(2)(n) and 506 of the Indian Penal Code is quashed and set aside.
- (ii) Subject to the deposit of the costs of Rs.25,000/- as aforesaid, the Application is disposed of.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)