

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

WRIT PETITION NO. 270 OF 2025

Aakash Budhiram Patel ... Petitioner
versus
The State of Maharashtra & Anr. ... Respondents

Mr.Manoj Kumar Singh with Mr.Puneet S. Shukla and Mr.Rohit
Tiwari i/b. MKS Legal Associates for the Petitioner.

Ms.Rutuja Ambekar, APP for Respondent No.1, State.

Mr.Dishant Chitalia i/b. Enlight Juris for Respondent No.2.

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

DATE : 27TH JANUARY, 2025

P.C. :-

1. We have perused the First Information Report (FIR) bearing No.0409 of 2024, dated 16th March, 2024 registered with the Bhiwandi City Police Station, Thane City. Section 376 (2) (n) of the Indian Penal Code, 1860 (IPC), has been invoked. The said FIR was then transferred to the Arnala Police Station, Mira Bhayandar, Vasai-Virar, on 22nd March, 2024 bearing No. 0134 of 2024.

2. The Complainant is before us. An affidavit filed by her dated 21st January, 2025 is placed on record in original form, at page Nos. 117 to 120.

3. The Complainant as well as the Petitioner were of a marriageable age when the alleged incident took place. There is no dispute that both were in love with each other. It is jointly mentioned that both of them have got married on 18th June, 2024 before the Marriage Officer, Mumbai Suburban bearing Marriage Certificate No. 2495. On instructions, both the learned Advocates submit that the couple is now living a happy married life.

4. Having considered the above factors and in the light of the law laid down by the Hon'ble Supreme Court in ***B.S.Joshi and Others V/s. State of Haryana and Another, 2003 (4) SCC 675***, this **Writ Petition is allowed**, by consent, in terms of prayer clause (b), which reads as under:

“b) That this Hon'ble Court be pleased to issue a Writ of mandamus or a Writ in the nature of mandamus or any other appropriate Writ, Order or Direction to quash and set aside the F.I.R. No. 0134 of 2024 which has registered with Arnala Police Station of Mira-Bhayandar, Vasai-Virar Commissioner of Police office on 22/03/2024 for offences punishable U/s. 376(2) (n) of the Indian Penal Code, and RCC No. 971/2024, currently pending before the Hon'ble 5th Joint Civil Judge J.D. and JMFC, Vasai, and all other further proceedings arising out of it.”

(PRAVIN S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)