

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

CRIMINAL WRIT PETITION NO.289 OF 2025

Vivek Milind Kadam,	]	
R/o. Pimpale Gurav, Pune, Sangvi,	]	
Pimpri-Chinchwad, Dist. Pune	]	..Petitioner

Versus

1. The State of Maharashtra,	]	
Through Sangvi Police Station,	]	
Pimpri-Chinchwad, Dist. Pune	]	
2. ABC (Victim),	]	
R/o. Ayalwadi, Wagholi, Pune	]	..Respondents

Mr. Narayan Rokade with Mr. Siddharth Agarwal and Ms. Mrunmai Rokade, Advocates for the Petitioner.

Mrs. Mahalaxmi Ganapathy, Additional Public Prosecutor for Respondent No.1.

Mr. Ramchandra Wagh with Mr. Swapnil Kalokhe, Advocates for Respondent No.2.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 28TH NOVEMBER 2025.

PER, GAUTAM A. ANKHAD J.

An FIR was registered with the Sangvi police station, Pimpri-Chinchwad at the instance of the respondent no.2 on 26th April 2024 for the offences punishable under sections 376, 313, 417, and 506 of the Indian Penal Code, 1860. After the investigation was conducted, charge-sheet was filed before the learned Judicial Magistrate First Class. Since the offence is triable by the Sessions Court, the case was transferred to learned Sessions Court. The present writ petition filed under Article 226 of the Constitution of India and section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeks to quash the FIR No.175 of 2024 dated 26th April 2024

and subsequent charge-sheet filed before the learned Judicial Magistrate First Class.

2. Mr. Ramchandra Wagh, the learned counsel for the respondent no.2 has tendered an affidavit dated 28th November 2025 which records that the respondent no.2 has no objection to quashing the said FIR. The differences between the parties have been amicably settled. The said affidavit of the respondent no. 2 records that the parties are now married, and that the respondent no. 2 do not wish to prolong the litigation to avoid sustained trauma and harassment for either party and that there is no force, coercion or other tactic by the petitioner to obtain consent to quash the FIR and the charge-sheet. The respondent no.2 is present and is identified by her learned counsel. The parties have affixed their signatures and recorded their appearance in their own handwriting. A copy of Aadhaar card of the petitioner and the respondent no.2 is also taken on record.

3. The Hon'ble Supreme Court in "*Madhukar v. State of Maharashtra*" 2025 SCC OnLine SC 1415 while dealing with an FIR under section 376 of the Indian Penal Code, 1860 has held that while ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly, the inherent powers of the Court to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

4. We are passing this consent order on the basis of the statement made by the petitioner who is present in the Court that he shall keep the respondent no.2 in the matrimonial home with all due respect and honour and take good care of her. Thus,

Criminal Writ Petition No.289 of 2025 is allowed in terms of prayer clause (a), which reads as follows:

“(a) Quash and set aside FIR bearing Cr.No.0175/2024 registered at Sangvi Police Station, Pimpri Chinchwad and charge-sheet for the offences punishable under sections 376, 313, 417 and 506 of the Indian Penal Code.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]