

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

CRIMINAL WRIT PETITION NO. 819 OF 2025

Nagamurli Chandramohan KasaniPetitioner

Versus

The State of Maharashtra and Anr.Respondents

Mr. Karan L. Jain - Advocate for the Petitioner.

Mr. Siddharth Jagesha – Advocate for Respondent No. 2

Smt. M. H. Mhatre - APP for the Respondent-State.

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

DATE : 10th FEBRUARY 2025

P.C. :

1. This is a petition for quashing of the F.I.R. registered vide C.R. No. 497 of 2024, dated 05.06.2024, at Chaturshringi Police Station, Pune, under Sections 376, 376 (2) (n) and 417 of the Indian Penal Code.

2. The investigation is over, and the charge-sheet is filed.

3. Heard learned Advocate Shri Jain for the Petitioner, learned Advocate Shri Jagesha for the Respondent No. 2 and learned APP Smt. Mhatre for the Respondent No. 1-State.

4. Leave to amend the petition to mask the name of the Respondent No. 2 is granted. Amendment shall be carried out forthwith.

5. The F.I.R. is lodged by the Respondent No. 2. She has stated that she was working in Software Company at Baner, Pune since 2015. The Petitioner started working in the same Company. They got acquainted and they fell in love. The Petitioner got married to someone else in 2016; but in spite of that, the Respondent No. 2 and the Petitioner continued meeting each other. It is alleged that, in the year 2018, they had their physical relations. The Petitioner told the informant that he would obtain divorce from his wife. It is her case that the physical relations were against her will. Both of them were working in the same office. They used to go out together frequently. She has clearly stated that they had physical relations at different places. She herself got married to another person on 17.02.2024. The Petitioner had attended that wedding. But even thereafter, he continued to be in touch with her and told her that she should give divorce to her husband. Accordingly, she filed divorce proceedings. After that, on

12.05.2024, the Petitioner came to her house and established physical relations. On this basis, the F.I.R. is lodged.

6. The investigation is carried out and the charge-sheet is filed. Charge-sheet contains statement of informant's parents. They have stated that their son-in-law i.e. informant's husband complained to them that she was having relations with the Petitioner, therefore, he left the informant with them.

7. The informant has filed an affidavit before this Court. She has stated in the affidavit that they have resolved the dispute. She did not want to continue with the present case. She has no objection for quashing of the F.I.R.. She has agreed to unconditionally withdraw all allegations. She has given her specific no objection. She is present in the Court. She is identified by her learned Counsel. She reiterated the statements made in the affidavit and insisted that the proceeding be quashed.

8. We have considered these submissions. From the entire charge-sheet and from the F.I.R. itself, it is quite clear that it was purely a consensual physical relationship. Both of them were adults. Both of them had got married with their

separate spouses and in spite of that, they continued to have physical relations. Therefore, it is quite clear that the informant was very much aware of the consequences of her act. The physical relations were clearly kept with her free will and consent. Since the Parties have settled their dispute and since the Respondent No 2 has filed her affidavit giving her consent for quashing of the proceedings, the petition can be allowed. However, we are inclined to impose cost on the Petitioner. The quashing of the proceeding would be subject to payment of the cost. Hence, the following Order:-

ORDER

- (i) The F.I.R. No. 497 of 2024, dated 05.06.2024 registered at Chaturshringi Police Station for the offences punishable under Sections 376, 376(2)(n) and 417 of the Indian Penal Code and the consequent proceedings i.e. Sessions Case No. 2396 of 2024 pending before Sessions Court, Pune are quashed and set aside subject to the Petitioner paying Rs. 25,000/- as cost in the Police Welfare Fund and Rs. 25,000/- to the Respondent No. 2.

The details of Police Welfare Fund are as follows :-

Bank Name :- Axis Bank Limited
Branch Name :- Worli, Mumbai (H.H.)
Mumbai – 400025.
Account Name :- Central Police Welfare Fund
Account No. :- 914010029005759
IFSC Code :- UTIB00000060

(ii) Cost shall be paid within a period of eight weeks from today.

(iii) If, the cost is paid as directed, the Petitioner shall provide the proof of the same in the Registry. If such proof is produced, then there shall be no further reference to the Court. But if such proof is not produced, then the Registry shall place this matter for further consideration before the Court and in that case, this order would be liable to be recalled.

9. With these observations, the petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)