

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

Writ Petition No. 980 of 2025

Shakil Shakur Bijapure ... Petitioner
V/s.
The State of Maharashtra and anr. ... Respondents.

Mr. Zaid Anwar Qureshi i/b. Pooja Khandekar for the Petitioner.

Smt. M.M. Deshmukh, APP for the State.

Ms. Aaisha Patel i/b. Hulyalkar and Associates for the Respondent
No.2.

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

DATE : 25th March 2025.

P.C. :

This is a petition for quashing of the proceedings arising out of C.R. No.210/2017 registered with Alankar Police Station, Pune under Sections 376, 377, 313, 328, 506(2), 324 and 504 of the Indian Penal Code.

2. The FIR was lodged by the Respondent No.2 on 6th December 2017. She has stated that she got married to her husband in June 2006. They had twin daughters. In 2011 the Respondent No.2 got a job as an Aerobic Instructor in Gold gym. The Petitioner was one of the Directors of that gym. It was her case that the Petitioner tried to develop close relations with her. On one Sunday evening in 2011, he established physical relations with her in the gym itself. It was her

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case that it was against her Will. After that he kept threatening her that incident was captured in CCtv footage and on these allegations he continued to have physical relations with her. The FIR mentions that on one occasion she became pregnant but she was admitted to hospital and she underwent the procedure for medical termination of pregnancy. The FIR mentions that they had their regular physical relations. They had gone to various foreign countries together. In August 2013 she was suffering from some abdominal ailment for which the petitioner got her admitted in the hospital. At that time he had mentioned himself as the husband of the Petitioner. In September 2015 the Petitioner kept her in one hotel. Even during that period they had their regular physical relations. In spite of this continuous physical relationship, she has claimed that the Petitioner used to threaten her that he would involve her in some conspiracy and on this basis the FIR is lodged. The charge-sheet is filed. The allegations are made by the first informant. From the allegations itself it is quite apparent that it was a consensual physical relationship though she is claiming that it was against her wish. The relationship continued from 2011 to 2015. During that period, they were staying together in a hotel and they had gone to various foreign countries together. Therefore, it is quite clear that it was a consensual relationship. The informant had filed one more FIR against the Petitioner on similar allegations vide C.R. No.447/2017 at Ville Parle Police Station. That FIR was also quashed by consent. The parties had approached this Court vide Cr. W.P. No.1237/2019.

Another Division Bench of this Court vide the order dated 29th August 2023 recorded that the matter was settled and quashed the FIR. Similarly, in the present petition, the matter is settled between the parties.

3. The first informant has filed her affidavit giving her no objection for quashing of this case. Smt. Deshmukh, learned APP, interacted with the Respondent No.2 in a free atmosphere and informed the Court that she was convinced that the settlement is genuine and Respondent No.2 has no objection for quashing of these proceedings.

4. We have considered these submissions. As mentioned earlier the FIR itself indicates that it was a consensual physical relationship. The parties have settled their dispute. The Respondent No.2 had lodged her another FIR which was quashed by another Division Bench of this Court as mentioned above.

5. In this view of the matter, since the dispute at the time of lodging of FIR was strictly between the parties, the Society at large is not involved. It was a consensual physical relationship. Therefore, we are inclined to allow this petition and pass the following order:

ORDER

(i) The Writ Petition is allowed.

(ii) The F.I.R. registered vide C.R. No.210/2017 with Alankar Police Station, Pune under Sections 376, 377, 313, 328,

506(2), 324 and 504 of the Indian Penal Code and the consequent proceedings are hereby quashed and set aside subject to Petitioner paying the cost of Rs.25,000/- to the Police Welfare Fund within a period of 8 weeks from today.

The details of Police Welfare Fund are as follows :-

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

(iii) If the cost is deposited within the stipulated period of 8 weeks from today, the Petitioner shall provide the proof of the same in the Registry. If such proof is produced, there shall be no further reference to the Court. But if the cost is not paid, the matter be listed for further consideration and in that case this order will be liable to be recalled.

6. Writ Petition stands disposed of in the aforesaid terms.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J)