

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

CRIMINAL WRIT PETITION NO.985 OF 2025

Amol Kishor Sapkale

.... Petitioner

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Manoj Sabale, Advocate for Petitioner.
- Mr. J. P. Yagnik, APP for the State/Respondent.
- Ms. Prerna Dsa, Advocate for Respondent No.2.

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

DATE : 28th FEBRUARY, 2025

P.C. :

1. This Writ Petition is filed for quashing of the FIR registered vide C.R.No.37/2025 at Ghatkopar Police Station, dated 13/01/2025 u/s 36 of the Bhartiya Nyay Sanhita.

2. The FIR is lodged by the Respondent No.2. She is the first cousin of the Petitioner. She was married to someone else on 30/03/2020. Even after her marriage, the Petitioner used to keep in touch with her to ask her about her well-being. After the marriage, she gave birth to her son. But thereafter, the

Respondent No.2's husband started ill-treating her. He was addicted to liquor. Therefore, she left him and started residing with her parents. The said fact was told to the Petitioner by the Respondent No.2 herself. He showed willingness to marry her and to look after her son.

3. There was dispute between the Respondent No.2's parents inter-se. Therefore she along with her mother and two sisters and her own son, came to Mumbai. She used to be in touch with the Petitioner every day. The Petitioner suggested marriage to her. She expressed her apprehension that she was already married. On 03/12/2023, they met at Ghatkopar. Again he promised to marry her. Then they had their first physical relations. Thereafter they had physical relations on many occasions. It is her case that on 13/12/2024, the Petitioner called her to another lodge and again had their physical relations. At that time, she told him that she was pregnant and they should get married. He asked her to take some steps for termination of her pregnancy. After that he refused to marry her. The Respondent No.2 lodged her FIR.

4. Heard Mr. Manoj Sabale, learned Counsel for the Petitioner, Ms. Prerna Dsa, learned counsel for the Respondent No.2 and Mr. J. P. Yagnik, learned APP for the State.
5. The matter is now settled between the parties. Learned counsel for the Petitioner submitted that it was purely a consensual physical relationship and no offence is made out. Both of them were cousins. The Respondent No.2 was aware that she herself was a married lady and her marriage with the Petitioner was not possible. He submitted that no offence is made out.
6. In any case, the matter is now settled between the parties, the Respondent No.2 has filed her affidavit giving her specific no objection for quashing of the FIR. She has stated in the affidavit that due to some misunderstanding and in a heat of anger she had lodged the FIR. The Respondent No.2 is represented through her advocate. She has supported the affidavit filed in the Court.

7. From the FIR it is quite clear that it was a consensual physical relations. Therefore, there is force in the submissions of learned counsel for the Petitioner that the offence is not made out. In any case, the matter is now settled between the parties as is evident from the affidavit filed by the Respondent No.2. She has given her specific no objection for quashing of the FIR. It is purely a personal matter between them. It was a consensual physical relation. The society at large is not involved. Therefore, we are inclined to allow this Petition.

8. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R.No.37/2025 at Ghatkopar Police Station and the further proceedings arising out of the said FIR, are quashed and set aside.
- (ii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)