

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

CRIMINAL WRIT PETITION NO.1021 OF 2025

Lalit Ramesh Bhosale

.....Petitioner

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Sandesh D. Patil, Advocate a/w. T.M. Bagal, Prithviraj S. Gole, Divya S. Pawar, Krishnakant Deshmukh i/b. Chintan Y. Shah for the Petitioner.

Mr. S.R. Agarkar, APP for the Respondent No.1-State.

Ms. Akshada Narvekar, Advocate for the Respondent No.2.

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

DATE : 28th FEBRUARY, 2025

P.C. :

1. This is a Petition for quashing of the FIR being C.R. No.386/2024 dated 12.9.2024 registered at APMC Police Station, Navi Mumbai under Sections 69, 123, 115(2), 351(2), 352 of Bharatiya Nagarik Suraksha Sanhita, 2023 as well as the corresponding R.C.C. No.1540/2024 [SC No.50/2025] pending before the Session's Court, CBD, Belapur, Navi Mumbai.

2. Heard Mr. Sandesh Patil, learned counsel for the

Petitioner, Mr. S.R. Agarkar, learned APP for the Respondent No.1-State and Ms. Akshada Narvekar, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2. She has stated that she was planning to appear for a competitive examination. For that purpose, she was enrolled in classes at Pune in March, 2023. During that phase, she came in contact with the Petitioner. They got acquainted. They exchanged their phone numbers. The Respondent No.2 was a resident of Vashi. She came back to Vashi. Thereafter, the Petitioner kept in touch with her. He used to visit Vashi and he used to meet her. The FIR thereafter goes on to mention that he suggested that they should celebrate his birthday and on that suggestion he took her to a hotel. It is her case that he gave her something to drink and then after she fell giddiness, they had their physical relations. The FIR thereafter goes on to mention that between December, 2023 to 31.8.2024, on various occasions, they had their physical relations. She had mentioned in her FIR that the Petitioner had taken some videos and photos and on that basis he was forcing her to have relations. The FIR also mentions

that the Petitioner had approached her mother and had putforth his proposal to marry the Respondent No.2. At that time, the Respondent No.2's parents refused to accede to his request as they belonged to different religions. Even after that their physical relations continued. But subsequently he stopped meeting her and started threatening her. On this basis, the FIR is lodged.

4. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains the statements of her parents and the investigation carried out in respect of those different lodges.

5. Now the matter is settled between the parties. Learned counsel for the Petitioner submitted that from the FIR itself it is quite clear that it was purely a consensual physical relationship between the two adults. The Respondent No.2 was 24 years of age. She had accompanied the Petitioner to various places, where they had their physical relations. Their physical relations continued from December, 2023 to August, 2024. He submitted that the Petitioner always had intention to marry the Respondent No.2 and, therefore, he had admittedly

approached the Respondent No.2's family, which is reflected in the FIR. Her own family has refused to accede to his proposal and, therefore, it was not his fault. It cannot be said that it was a false promise of marriage. Subsequently the differences arose between them leading to filing of this FIR.

6. In any case, now the matter is 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 she wants to move ahead in her life and does not want to carry the burden of her past. She had taken that decision out of her own freewill and it is her specific prayer in the affidavit that the proceedings be quashed.

7. Considering the sensitive nature of the matter, we kept the matter in the Chambers and it was heard in the presence of learned APP and learned counsel for the Petitioner as well as the Respondent No.2. The Respondent No.2 has specifically stated before the Court that she has no objection for quashing of the proceedings. In fact she insisted that the proceedings be quashed. She further added that though there were photographs, they were not objectionable. It was an

admitted fact that they were in a relationship.

8. Considering this situation, it is quite clear that it was a consensual relationship. The Respondent No.2 does not want to proceed with the prosecution. She has given her specific no objection for quashing of these proceedings. In this view of the matter, we are inclined to allow this Petition. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.386/2024 registered at APMC Police Station, Navi Mumbai as well as the corresponding R.C.C. No.1540/2024 [SC No.50/2025] pending before the Session's Court, CBD, Belapur, Navi Mumbai, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Deshmane (PS)

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