

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

CRIMINAL WRIT PETITION NO.1051 OF 2025

Chetan Kamlakar Gaikwad

.....Petitioner

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Amit S. Rane, Advocate for the Petitioner.

Smt. M.M. Deshmukh, APP for the Respondent No.1-State.

Mr. Arvind Taral, Advocate a/w. Ajit Singh Ghorpade for the
Respondent No.2.

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

DATE : 04th APRIL, 2025

P.C. :

1. This is a Petition for quashing of the proceedings in Sessions Case No.92/2024 pending before the Sessions Court, Greater Mumbai arising out of C.R. No.620/2023 of Bhandup police station, Mumbai under Sections 376, 307, 366, 323, 504, 506, 201 of IPC.

2. The FIR is lodged by the Respondent No.2. We heard this matter in-camera because the parties have settled the matter and it is their contention that they are now married.

3. The FIR lodged by the Respondent No.2 mentions that she got acquainted with the Petitioner in 2019. Their friendship grew into love relationship. The Petitioner was becoming possessive. It is her case that on some occasions, he used to assault her with fist and kick blows. On 14.10.2023 they met at Bhandup. The Petitioner was angry. He started quarreling with her in front of their common friend. The Petitioner made her to sit in a rickshaw and slapped her. He forced her to accompany him to a hotel. It is her statement in the FIR that he also threatened to make their photographs viral. They went to a hotel and went to a room. It is her case that at that time he established forcible physical relations with her. In the evening they started coming back in a rickshaw. She told him that she did not want to continue with the relationship and they should break up the relationship but he refused and again threatened to make her photographs viral. There are allegations in the FIR that while they were in the rickshaw, somehow he inflicted an incised injury on the right side of her neck. On this basis, the FIR is lodged.

4. The parties have settled the issue. Since the offence under Section 307 of IPC was involved, we specifically examined

that aspect. Learned APP produced the injury certificate issued by a private hospital. It shows that she was admitted to the hospital on 28.9.2023 with the complaint that she had suffered some incised wound on the right side of neck by steel patra as per her statement given by herself and her relatives. That means this injury was caused to her in some other incident of 28.9.2023. Therefore, her contention in the FIR that this injury was caused by the Petitioner on 14.10.2023 is false.

5. The Respondent No.2 has filed her affidavit, in which she has stated that she has already married the Petitioner and they are residing together. The FIR was lodged at her behest due to misunderstanding and in heat of anger, but, she now has no objection for quashing of the FIR and the proceedings as they have amicably settled the matter. They are leading a happy married life.

6. The Respondent No.2 is present in the Court. As mentioned earlier, we held the proceedings in-camera. She reiterated the contents in the affidavits and she informed the Court that the injury was not caused by the Petitioner. The

investigating agency has also recorded her statement on 24.3.2025. A copy of the statement is also taken on record. In that statement also she has stated that the injury was caused in other incident and she had lodged the FIR on some misunderstanding. They are now married and they are residing together separate from other relatives. She has no grievance against anybody. A copy of the statement is taken on record.

7. The charge-sheet contains other statements but the main allegations are made by the informant herself. Quite clearly it was a consensual physical relationship going on for quite some time. There was some dispute between the Petitioner and the Respondent No.2, but, they have not only settled the issue but they have married as well. A copy of the marriage certificate is annexed to this Petition at Annexure 'C'. The offence under section 307 of IPC is not made out as it can be seen that the allegations are not supported by the first informant herself.

8. In this view of the matter, we see no reason why the prosecution should not be quashed particularly when the Petitioner and the Respondent No.2 are leading a happy married

life.

9. In this view of the matter, we are inclined to allow this Petition. However, looking at the conduct of the parties, we are inclined to impose costs on the Petitioner and the Respondent No.2.

10. Hence, the following order:

:: O R D E R ::

i. The FIR being C.R. No. 620/2023 registered at Bhandup police station, Mumbai as well as the proceedings arising therefrom being Sessions Case No.92/2024 pending before the Sessions Court, Greater Mumbai, are quashed and set aside, subject to the following condition :

(a) The Petitioner and the Respondent No.2 together shall pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the Central Police Welfare Fund within a period of eight weeks from today. The details of the bank account 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 : UTIB0000060

- ii. If the aforementioned amount is paid within that period and if the acknowledgment is shown in the Registry of this Court, there shall be no further reference to the Court. But, if the amount is not paid and an acknowledgment is not shown in the Registry, the matter be listed before the Court for further consideration and, in that case, the order passed today quashing the proceedings is liable to be recalled.
- iii. With these observations, the Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2025.04.15
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