

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

CRIMINAL WRIT PETITION NO. 1061 OF 2025

Vikas Rambhau Pandhekar

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Ms. Pooja Kharat a/w. Suhas Kharat for Petitioner.

Smt. M. H. Mhatre, APP for State/Respondent.

Mr. Swarup D. Patil for the Respondent No.2.

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

DATE : 26 MARCH 2025

PC :

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

2. This is a writ petition for quashing of the F.I.R. registered vide C.R.No.374 of 2024 at Sion police station, Mumbai, on 31.12.2024, U/s.69 of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. Heard Ms. Pooja Kharat, learned counsel for the Petitioner, Smt. M. H. Mhatre, learned APP for the State and Mr. Swarup Patil, learned counsel for the Respondent No.2.

4. The F.I.R. is lodged by the Respondent No.2. The F.I.R. mentions that the informant was earlier married to her first husband in the year 2017, but she was separated from her husband since 2022. She was residing separately. The informant was knowing the petitioner. They were distant relatives. The petitioner sent friend request to the informant on social media. They came in touch. It is further mentioned that they fell in love with each other. He proposed marriage to her. She told him that she was already married, but she was residing separately from her husband. The petitioner still wanted to marry her. Thereafter, the F.I.R. goes on to mentioned various instances from July 2022 till August 2024 i.e. for about 22 to 25 months when they had their physical relations in different lodges. But, ultimately he refused to marry her. On this basis the F.I.R. was lodged.

5. Learned counsel for the petitioner submitted that, it was

purely a consensual relationship.

6. We have perused the F.I.R. and we find substance in this submission. In any case the parties have now settled the matter. The parties have decided to get married. The Respondent No.2 has filed her Affidavit giving consent for quashing of these proceedings. In her affidavit, she has clearly stated that their dispute is settled with the help of their family members and that they are getting married with each other. She has given her no objection for quashing of these proceedings.

7. Smt. M. H. Mhatre, learned APP interviewed the Respondent No.2. Smt. Mhatre stated before the Court that it is genuine desire of the Respondent No.2 that the proceedings are quashed. The statement is accepted. Both of them are getting married. The charge-sheet in this case is already filed. Considering that the matter is settled between the parties and both of them are shortly getting married, no purpose will be served with continuation of the criminal prosecution. The physical relationship was purely consensual. It was going on for quite some time

between July 2022 to August 2024. In this view of the matter, we are inclined to allow this petition.

8. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide C.R.No.374 of 2024 at Sion police station, Mumbai, on 31.12.2024, U/s.69 of the Bhartiya Nyaya Sanhita, 2023 and the proceedings arising out of the said F.I.R. are quashed and set aside.
- ii) The writ petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)