

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

CRIMINAL WRIT PETITION NO. 1261 OF 2025

Rohit Tanajirao More

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Niranjan Mundargi i/b. Vikrant Shinde for Petitioner.

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

Ms. Saroj N. Jadhav (appointed Advocate) for the Respondent No.2.

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

DATE : 13 MARCH 2025

PC :

1. This is a petition for quashing of the proceedings in relation to Sessions Case No.52 of 2020 pending before the Court of Sessions, 41st Court, at Greater Mumbai, under sections 376(2) (N), 354, 417 and 506 of the I.P.C. It arises out of the F.I.R. registered vide C.R.No.112 of 2019 at Bandra police station, Mumbai, on 07.02.2019, under the same sections.

2. The F.I.R. is lodged by the Respondent No.2 herein. She

has stated in her F.I.R. that, in the year 2016 she was in search of a job. She was a married lady and she was living separately from her husband for about 10 years before 2016. In connection with her search for a job, she came in contact with the petitioner. He promised to give a job to her. On 08.11.2016, the Petitioner called her telephonically and told her that they could start a business of recruiting people. The petitioner called her for discussion to a hotel in Mumbai. The F.I.R. mentions that, they had dinner together. The first informant herself had consumed some wine. The F.I.R. thereafter goes on to mention that they had their first physical relations at that point of time. It is her case that the Petitioner had projected that he wanted to help her. Though, she has stated that the physical relations were against her wish, the subsequent description in the F.I.R. mentions that they were in contact and they had their regular physical relations. They had gone to Indore and Ujjain. The Petitioner had promised to marry her. They had even entered their names as husband and wife in the register maintained by a hotel at Indore. The F.I.R. goes on to mention that they were in a love relationship.

3. Suddenly, after 31.12.2016 he stopped contacting her and talking with her. He told her that, he did not want to have any connection with her. She realized that she was cheated. Then she gave a complaint to the police station. In June 2017, the petitioner deposited Rs.3 lakhs in her bank account and again promised her that he would support her. But after that, no steps were taken by him. Instead, a complaint for extortion was registered against the Respondent No.2 herself. Even after that the petitioner again contacted her and they had established their relations from April 2018 onwards. In December 2018, they had gone to Panchgani and Mahabaleshwar. But after that again he started avoiding her and then she lodged her F.I.R. The investigation was carried out and the charge-sheet was filed. The main allegations are mentioned in the F.I.R. itself.

4. Now, the parties have settled their disputes. In fact, an F.I.R. was registered against the Respondent No.2 herein vide C.R.No.47 of 2019 at Warje Malwadi police station. Another Writ Petition No.3034 of 2019 was filed by the Respondent No.2 herein for quashing of that particular F.I.R.

5. We have heard the present writ petition and W.P.No.3034 of 2019 together in the chambers considering the sensitive nature of the allegations. The Petitioner herein has two small children aged 12 years and 8 years. The Respondent No.2 herself has a son aged 24 years. The F.I.R. against the Respondent No.2 herein which is the subject matter of the Writ Petition No.3034 of 2019 is quashed and set aside by a separate order passed today. In this background, we have heard the parties.

6. Learned counsel for the Petitioner submitted that the allegations in the F.I.R. clearly show that it was a consensual physical relationship and no offence was made out. In any case, without going in further details of the matter, he submitted that the parties have now settled the matter and both families have decided to lead their respective life in the interest of their children. They have genuinely settled the dispute.

7. The Respondent No.2 is present in the chambers along with her learned counsel. She has filed her Affidavit giving consent to quash the proceedings. She has stated that the dispute between herself and the petitioner has been amicably resolved. She had

given her clear consent for quashing of these proceedings.

8. We have considered these submissions. The F.I.R. itself shows that, it was a consensual relationship. The Respondent No.2 herself was a married lady and the F.I.R. shows that she was aware that the petitioner was also married. Therefore, there is force in the submission of the learned counsel for the petitioner that it was a consensual physical relationship and, therefore, the offence may not be made out. However, it is not necessary to refer to further allegations in that behalf because the parties have now settled the matter. We are satisfied that it was a personal dispute between the two parties. The society at large is not involved. Both the parties have decided to move ahead in their life. In fact, it would be in the interest of children of both the parties that the proceedings are quashed. Therefore, in the interest of justice, we are inclined to allow this petition.

9. Hence, the following order:

ORDER

- i) The Sessions Case No.52 of 2020 pending before

the Court of Sessions, 41st Court, at Greater Mumbai, under sections 376(2)(N), 354, 417 and 506 of the I.P.C is quashed and set aside.

ii) The Writ Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)