

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

CRIMINAL WRIT PETITION NO.1327 OF 2025

Sudhir Laxman Borade

.... Petitioner

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Kamran S. Shaikh a/w Heena Shaikh, i/b. Changdev S. Shingade, Advocate for Petitioner.
- Smt. M. M. Deshmukh, APP for the State/Respondent.
- Mr. Suraj V. Gadkari i/b. Nitesh Mohite, Advocate for Respondent No.2.

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

DATE : 20th MARCH, 2025

P.C. :

1. This Petition is filed for quashing of the proceedings in connection with Sessions Case No.111 of 2019 pending before the Additional Sessions Judge, Kalyan, arising out of C.R.No.92/2017 registered with Badlapur (W) police station, Thane, u/s 376, 366 r/w 34 of the Indian Penal Code.

2. Heard Mr. Kamran S. Shaikh, learned Counsel for the Petitioner, Mr. Suraj V. Gadkari, learned counsel for the

Respondent No.2 and Smt. M. M. Deshmukh, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. The allegations in the FIR are that on 03/09/2017, the Petitioner took her to a lodge and established physical relations. Though she has stated that the relations were against her wish, from the FIR itself it appears that she had willingly accompanied him to that room in the lodge. The incident appears to be arising out of consensual relationship which is proved to be so by the subsequent development as the Respondent No.2 has got married with the Petitioner on 16/11/2017. Obviously, the parties have settled their dispute. They are leaving happily after their marriage and they are blessed with two children. The Respondent No.2 has filed her affidavit giving her consent for quashing of the proceedings.

4. The learned APP Mrs. Deshmukh interviewed the Respondent No.2 in a free atmosphere. Mrs. Deshmukh told the Court that there was no force involved at any point of time and

even at the stage of marriage between the parties. The Respondent No.2 was willingly giving her consent for quashing.

5. Her affidavit itself mentions that both of them got married on 16/11/2017 and they have two children. This is a fit case where the proceedings can be quashed. It would be in the interest of their children also that the proceedings are quashed. The relationship was obviously consensual. Therefore, we are inclined to allow this Petition.

6. Hence, the following order :

ORDER

- (i) The proceedings in connection with Sessions Case No.111 of 2019 pending before the Additional Sessions Judge, Kalyan, arising out of C.R.No.92/2017 registered with Badlapur (W) police station, Thane, are quashed and set aside.
- (ii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)