

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

CRIMINAL WRIT PETITION NO. 1571 OF 2025

Krish Sanjay DhakoliyaPetitioner
Versus
The State of Maharashtra and Anr.Respondents

Mr. Ravishankar B. Thombare - Advocate for the Petitioner.
Mr. S. R. Agarkar - APP for the Respondent-State.
Mr. Rajabhau S. Chaudhari – Advocate for Respondent No. 2.

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

DATE : 01st APRIL 2025

P.C. :

1. This is a petition for quashing of the F.I.R. registered vide C.R. No. 42 of 2025 at Kondhwa Police Station, Tal. Haweli and Dist. Pune and the resultant proceedings arising out of the same. The F.I.R. is lodged by the Respondent No. 2 on 13.01.2025 under Sections 64 (1), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The Petitioner is a 18 years old student. The Respondent No. 2 is also hardly 18 years and 10 months of age. The Parties are very young. The F.I.R. lodged by the Respondent No. 2 states that both of

them were studying in the same college. They were in the same class. At the instance of the Petitioner, both of them became friends. Due to their friendship, they started meeting regularly and going to various restaurants and other places. In November 2024, they had their first physical relationship in his house. He had called her to his house. That time no one was in the house and in that situation by promising to marry her he kept physical relationship with her. It is her case that it was against her wish and he also shot some videos. On the next occasion, they went to a lodge at his instance. According to her, he had told her that he would make the video viral. In January 2025, she informed her brother about the same and with his support, she lodged the F.I.R.. The Respondent No. 2 has now filed an affidavit mentioning that the matter is settled between the Parties and the relationship was consensual.

3. Learned APP produced a copy of the charge-sheet before us. The charge-sheet contains the statement of the manager of the lodge, wherein he has stated that the Petitioner and the Respondent No. 2 had come to his lodge on 11.12.2024. At that time, both of them had given their Aadhar Card. They were in the room between 8.33 a.m. to 11.30 a.m. His statement nowhere shows that she had

accompanied the Petitioner against her wish. Apparently, it was a consensual relationship. The Affidavit filed by the Respondent No. 2 clearly mentions that it was a consensual physical relationship. They were both adults. It is further stated that, only when her family came to know about the relationship, to save her education and her future life, she has lodged the F.I.R.. She has filed her affidavit before this Court. She was interviewed by the learned APP Ms. Deshmukh in a free atmosphere. Learned APP Ms. Deshmukh informed the Court that the Respondent No. 2 stood by the averments made in the affidavit and that it is her firm stand that it was a consensual physical relationship and that she did not want to pursue the matter any further. The Petitioner, on his part, has filed an affidavit stating that he has undertaken not to misuse the affidavit filed by the Respondent No. 2 giving consent for the quashing of this proceeding.

4. Considering this situation and on the submissions made by learned APP after interviewing the Respondent No. 2, we are satisfied that it was a consensual physical relationship. The Petitioner and The Respondent No. 2 are very young, and their entire future lies ahead of them. They have settled their dispute. No purpose will be served by continuation of the prosecution. In fact, it will be

necessary, in the interest of both of them, to quash the proceedings, since it was a consensual physical relationship. Hence, the following order:-

ORDER

- (i) The Writ Petition is allowed.
 - (ii) The F.I.R. registered against the present Petitioner vide C.R. No. 42 of 2025 at Kondhwa Police Station, Tal. Haweli, District Pune, under Sections 64 (1), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and the consequent proceeding are quashed and set aside.
5. Accordingly, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)