

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

CRIMINAL WRIT PETITION NO. 1810 OF 2025

Shubham Omshankar Pandey

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Digajmaan G. Mishra a/w. Yashmaan G. Mishra i/b. Bramand
Lexis LLP for Petitioner.

Mr. S. R. Agarkar, APP for State/Respondent.

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

DATE : 24 APRIL 2025

PC :

1. Heard Mr. Digajmaan Mishra, learned counsel for the
Petitioner and Mr. Agarkar, learned APP for the State.

2. Leave to amend is granted to mask the name of the
Respondent No.2. Amendment to be carried out forthwith. During
the pendency of this petition, the charge-sheet is filed. Learned
counsel for the Petitioner produced a copy of the charge-sheet. It is
taken on record and marked 'X' collectively for identification.

3. This petition is for quashing of the proceedings arising

out of the C.R.No.182 of 2025 registered at Versova police station, on 04.03.2025, under sections 115(2), 351(2), 352, 64(2)(d) and 69 of the Bhartiya Nyaya Sanhita, 2023 (for short 'BNS').

4. The F.I.R. is lodged by the Respondent No.2. She has stated that, she came to Mumbai in the year 2018 in search of a job. She was working as Freelancing Costume Designer. She met the Petitioner who was working as a Line Producer. They got acquainted. Then they got friendly and their relationship changed into love relationship. The Petitioner promised to marry her. He had taken the informant to his mother and had told his mother that the informant and the Petitioner had planned to get married. On 01.02.2023, both of them consumed alcohol. They went to a hotel. The Petitioner had told her that, he would take her to her house, but instead, he had taken her to a hotel. There they had their first physical relations. She has stated that it was against her wish. But she has further stated in her F.I.R. that, their physical relations continued till February 2025. After that, she came to know that the petitioner was in relationship with someone else. The informant told that third person about the relationship

between the informant and the petitioner. Therefore, the petitioner's relationship with that third person ended. He got angry. On 28.02.2025, the petitioner came to the informant's house at around 11.30p.m. He abused and assaulted her. On these allegations, the F.I.R. was lodged.

5. The Respondent No.2 has now decided not to prosecute the petitioner. She has filed her Affidavit, wherein, she has stated that the F.I.R. was exaggerated because of influence exerted on her by her family members. It was not lodged on her own freewill and volition. She has specifically stated that, she was engaged in this relationship out of her freewill and with full mental and emotional autonomy without any influence. She has further stated that, their relationship was voluntary, intimate and consensual. She has further stated that she gave her unequivocal consent for quashing of the proceedings. The Respondent No.2 was interviewed by the learned APP Mrs. Mhatre. Learned APP informed the Court that the informant stood by all the averments made in the Affidavit and that it was her genuine wish that the proceedings are quashed.

6. We have considered this situation. The charge-sheet basically relies on the F.I.R. lodged by the first informant. The allegations in the F.I.R. indicate that it was a consensual relationship which was going on for over two years. The informant has decided not to prosecute the petitioner. She has stated so in specific words in her Affidavit. She has also admitted that, her relationship was consensual. The dispute between the parties was purely personal in nature. The charge-sheet shows that it was consensual physical relationship. The informant has now given her no objection for quashing of the proceedings. In this view of the matter, we are inclined to allow this petition.

7. Hence, the following order:

ORDER

- i) The F.I.R. registered vide the C.R.No.182 of 2025 at Versova police station, on 04.03.2025, under sections 115(2), 351(2), 352, 64(2)(d) and 69 of the Bhartiya Nyaya Sanhita, 2023 and the consequent proceedings are quashed and set aside.

ii) The Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)