

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 1863 OF 2025**

Nathu Singh Parmar & Anr.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Induprakash Tripathi i/b. Mr. C.K. Tripathi for Petitioners.
Ms. M.M. Deshmukh, A.P.P. for Respondent No.1-State.
Ms. Bhagyashri Gawas for Respondent No.2.
A.P.I. Mr. Dhanraj Kedar, Narpoli Police Station, Bhiwandi, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 7th August 2025.

P.C. :

1) Leave to amend to incorporate challenge to Sessions Case bearing R.C.C. No. 734 of 2025 pending on the file of learned District Judge-2 and Additional Sessions Judge, Bhiwandi, Thane, in the pleadings and prayer clauses, granted.

1.1) Amendment be carried out during the course of the day.

2) By this Petition under Article 226 of the Constitution of India, the Petitioners, accused in R.C.C. No. 734 of 2025 pending on the file of learned District Judge-2 and Additional Sessions Judge, Bhiwandi, Thane,

arising out of CR No. 0295 of 2025, dated 18th February 2025, registered with Narpoli Police Station, Thane City, under Sections 64, 127(4), 351(3), 74, 3(5) of The Bharatiya Nyaya Sanhita, are seeking quashing of the said case, with the consent of Respondent No.2, the victim.

3) Mr. Tripathi, learned counsel for Petitioners submitted that, the Respondent No.2 was earlier married, however due to her matrimonial disputes, had left her matrimonial house and was staying with her parents at Bhiwandi. The Petitioner No.1 was hailing from the same community, as was the Respondent No.2 and got acquainted with her. The relations between the Petitioner No.1 and Respondent No.2 were consensual in nature. He submitted that, the allegations as against the Petitioner No.2 is as contemplated under Sections 127(4), 74 of the Bharatiya Nyaya Sanhita. He submitted that, as the parties herein have now settled their disputes and differences, the Respondent No.2 is giving her consent for quashing of the said crime. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

4) Ms. Gawas, learned Advocate appearing for Respondent No.2 submitted that, the Respondent No.2 has already filed on record her Affidavit dated 3rd March 2025, duly affirmed before the Assistant Registrar of this Court. The submissions advanced by the learned counsel Mr. Tripathi are narrated in the said Affidavit. In para Nos.6 & 7 of the said Affidavit, the Respondent No.2 has given her no objection for quashing of the crime in

question.

4.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 3rd March 2025 and her 'no objection' for quashing of the crime in question.

5) Perusal of First Information Report (F.I.R.) indicates that, the Respondent No.2 was earlier married as per the customs prevailing in her community and was subsequently got divorce before the Panchayat. The said marriage and divorce was as per the customs prevailing in her community. She has admitted the said fact in her Affidavit dated 3rd March 2025.

5.1) Perusal of F.I.R. further indicates that, the Petitioner No.1 was already acquainted with the Respondent No.2 and by giving her assurance to have a trip of Mumbai City, took her at his place and by extending threats established physical relations with her. It is alleged that, the Petitioner No.2 is the friend of Petitioner No.1. The Petitioner No.2 also expected sexual favors from the Respondent No.2, however she resisted his demand. That, on one day the Petitioner No.2 committed an act as contemplated under Section 74 of B.N.S.. Perusal of F.I.R. indicates that, the relations between the Petitioner No.1 and Respondent No.2 were consensual in nature, however the allegations against the Petitioner No.2 appears to be an exaggerated version.

6) In view thereof, we are inclined to quash R.C.C. No. 734 of 2025 pending on the file of learned District Judge-2 and Additional Sessions

Judge, Bhiwandi, Thane, arising out of CR No. 0295 of 2025, dated 18th February 2025, registered with Narpoli Police Station, Thane City, under Sections 64, 127(4), 351(3), 74, 3(5) of The Bharatiya Nyaya Sanhita.

7) As we expressed our opinion for quashing of R.C.C. No. 734 of 2025 pending on the file of learned District Judge-2 and Additional Sessions Judge, Bhiwandi, Thane, learned Advocate for Petitioners on instructions submitted that, for quashing of the said case the Petitioner No.1 will voluntarily pay a cost of Rs.1,00,000/- and the Petitioner No.2 will also voluntarily pay a cost of Rs.25,000/-, totalling to Rs.1,25,000/-, jointly or severally, to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7.1) We therefore direct the Petitioner Nos.1 & 2 to pay a cost of Rs.1,00,000/- & Rs.25,000/- respectively, totalling to Rs.1,25,000/- to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

7.2) Details of the bank account for payment of cost are as under :-

Account Name :- Armed Forces Battle Casualties
Welfare Fund.

Account Number :- 90552010165915.

Bank Name :- Canara Bank.
Branch :- South Block, Defence Headquarters,
New Delhi – 110 011.
IFSC Code :- CNRB0019055.

7.3) Petitioner Nos.1 & 2 to deposit the said cost within stipulated period as noted above and submit receipt(s) of the same in the Registry of this Court.

8) In view of the above and subject to payment of cost by both the Petitioners, Petition is allowed in terms of prayer clause (a) and amended prayer clause (a1).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

10) List the Petition on board on 10th September 2025, under caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

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