

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

**CRIMINAL WRIT PETITION NO. 4298 OF 2025**

Swapnil Laxman Gaikar

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. S. H. Pasi for Petitioner.

Ms. Supriya Kak, APP for State/Respondent.

Mr. D. V. Saroj for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &  
SHYAM C. CHANDAK, JJ.**

**DATE : 23 SEPTEMBER 2025**

**PC :**

1. This is a petition for quashing of the proceedings arising out of the C.R.No.17 of 2025, registered at Gorai Police station, on 24.03.2025, under sections 64(2)(m) and 69 of the Bhartiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. Pasi, learned counsel for the Petitioner, Ms. Supriya Kak, learned APP for the State and Mr. Saroj, learned counsel for the Respondent No.2.

3. This petition is filed for quashing of the proceedings by

consent, therefore, it is not necessary to refer to the allegations in the F.I.R. and other documents in detail. Briefly, the case of the first informant-Respondent No.2 is that, she was working in a Restaurant at Colaba since August 2023. She got acquainted with the Petitioner. They got friendly. Their friendship developed into a love relationship. On 12.03.2024, the Petitioner took her to a lodge in Malad. It is her case that, in spite of her opposition, the Petitioner established physical relations with her. He had told her that they would get married. The F.I.R. thereafter mentions that they had their physical relations on 28 May, 25 June, 2 July, 6 July and on 23.07.2024 at different lodges. Subsequently, he started avoiding her. In December 2024, she went to his house to question him. But he abused her and beat her. He blocked her phone number. On 22.12.2024, he called her to meet him in a mall. He took her mobile phone and deleted their photographs and recordings and told her that he did not want to keep any relations with her. Therefore, she lodged her complaint vide the N.C.No.2173 of 2024 at Parksite police station. On these allegations, the F.I.R. was lodged. The investigation papers contain

the record of various lodges where the Petitioner and the Respondent No.2 had visited.

4. Now, the Respondent No.2 has decided not to proceed with her complaint. She has filed her Affidavit on record. She has stated in her Affidavit that she had lodged the complaint out of anger and misunderstanding. She has stated that, she has realized her mistake and she was withdrawing all her allegations against the Petitioner and that she had no complaint against the Petitioner. She has given her clear no objection for quashing of the proceedings. She reiterated the contents in the F.I.R. She insisted that the proceedings be quashed.

5. Considering her stand taken today, if the F.I.R. is perused, it can be seen that there was a clear element of consent. They had visited various lodges on various occasions. She had lodged her N.C., but at that time, the allegations were not made about the offences U/s.64(2)(m) and 69 of the BNS. Since the Respondent No.2 does not want to prosecute the Petitioner and since she has stated that she had lodged the complaint in a state of

anger, we are inclined to allow this petition.

6. Learned counsel for the Petitioner submitted that, as a condition for bail, the Petitioner was directed to deposit his Passport with the police station. Since the proceedings are quashed, the Passport shall be returned to the Petitioner unless it can be kept by the police in connection with any other offence and in accordance with law.

7. Hence, the following order:

O R D E R

- i) The proceedings arising out of the C.R.No.17 of 2025, registered at Gorai Police station, on 24.03.2025, under sections 64(2)(m) and 69 of the Bhartiya Nyaya Sanhita, 2023, are quashed and set aside.
- ii) The Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)