

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

CRIMINAL WRIT PETITION NO.4316 OF 2025

Atish Jagannath Gaikwad & Anr. Petitioners

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Vaibhav P. Punekar, Advocate for Petitioners.
- Ms. Asma F. Shaikh, Advocate for Respondent No.2.
- Ms. Sharmila Kaushik, APP for the State/Respondent.

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

DATE : 23rd SEPTEMBER, 2025

P.C. :

1. Leave to amend to mask the name of the Respondent No.2. Amendment to be carried out forthwith.

2. This is a Petition for quashing of the proceedings arising out of C.R.No.254/2023 registered at Panvel City Police Station u/s 376, 376(2)(n), 354 of the Indian Penal Code.

3. Heard Mr. Vaibhav P. Punekar, learned Counsel for the

Petitioners, Ms. Asma F. Shaikh, learned counsel for the Respondent No.2 and Ms. Sharmila Kaushik, learned APP for the State.

4. The FIR is lodged by the Respondent No.2. She was to get married with the Petitioner No.1. The Petitioner No.2 is his father. It is not necessary to refer to the allegations in detail because the parties have settled the matter and the Respondent No.2 insists that the prosecution be closed, so that she can move ahead in her life. Briefly, the allegations in the FIR lodged by her on 14/04/2023 are that the Respondent No.2's family was looking for a marriage proposal for her. Her family got to know about the marriage proposal of the Petitioner No.1. The Respondent No.2 and the Petitioner No.1 met on 01/03/2023. They had a discussion regarding their marriage. The Petitioners' family went to the family of the Respondent No.2 on 12/03/2023. The marriage was fixed. After that, the Respondent No.2 continued meeting the Petitioner No.1. The FIR thereafter goes on to mention about their physical relations between the Respondent No.2 and the Petitioner No.1. There are allegations

that the Petitioner No.1 insisted to have physical relations with her because they were to get married shortly. On 22/03/2023, he stayed in her house in the night. They had their physical relations. On the next day i.e. on 23/03/2023, the Petitioner No.1 made a phone call to the Respondent No.2 and asked about her relationship with one Sachin. She explained that she was only on friendly terms with the said Sachin, but after his marriage, she stopped all the conversation with him. The Petitioner No.1 did not trust the Respondent No.2 and broke the marriage. Mainly on these allegations, the FIR is lodged. There are allegations against the Petitioner No.2 that he passed some remarks about her character in front of everybody. On these allegations, the FIR is lodged by her against the Petitioners.

5. The investigation proceeded and the charge-sheet is filed. However, the learned counsel for the Petitioners submitted that a copy of the charge-sheet is not yet given to the Petitioners.
6. Learned APP produced a copy of the charge-sheet for our perusal. It contains statements of the mother and brother of

the Respondent No.2. There is also a statement of the aforementioned Sachin, that has some significance. We have perused the charge-sheet and this statement in particular. Now the matter is settled. The Respondent No.2 does not want to proceed ahead with the prosecution. She has filed her affidavit. She has mentioned that she is to get married shortly with another person and she has voluntarily decided not to pursue the present proceedings. She has no objection for quashing of these proceedings. She stated before the Court that she has no objection for quashing of these proceedings. She wants to move ahead in life.

7. We have considered these submissions. From the FIR itself it is clear that there was an element of consent because the Respondent No.2 was to get married with the Petitioner No.1. However, it is not necessary to go into the details of those allegations. The significant statement in this charge-sheet is that of Sachin. He has stated that he had met the Petitioner No.1 on 24/03/2023 and had told the Petitioner No.1 about his friendship with the Respondent No.2. After that, the Petitioner

No.1 was not willing to go ahead with the marriage. In this background, we find that there is some merit in the matter. But in view of the settlement between the parties, it is not necessary to decide this issue. The Respondent No.2 wants to move ahead in life and she has no grievance against either of these Petitioners. She has stated that she has no objection for quashing of these proceedings. Therefore, on her assertion in her affidavit, we are inclined to allow this Petition.

8. Hence, the following order :

ORDER

- (i) The criminal proceedings arising out of C.R.No.254/2023 registered at Panvel City Police Station, are quashed and set aside.
- (ii) The Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)