

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

CRIMINAL WRIT PETITION NO. 4495 OF 2025

Mr. Tousif Ishaque Sayyed

... Petitioner

Vs.

The State of Maharashtra and anr.

...Respondents

Ms. Jyoti Shahu for the Petitioner.

Ms. Sangita Phad, APP for the Respondent No.1 – State.

Ms. Devki Sahu for Respondent No.2 / Complainant.

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

DATED : 30th SEPTEMBER, 2025

P.C. :-

. This is a Petition for quashing of the FIR registered at APMC Police Station, Navi Mumbai vide C.R.No.426/2023 on 14/11/2023 for offences punishable under Sections 376 and 376(2)(n) of the Indian Penal Code, 1860 and proceedings arising out of the said case. The charge-sheet is filed and the prayer is made for quashing of the entire proceedings.

2) Heard Ms. Jyoti Shahu, learned Counsel for the Petitioner, Ms. Sangita Phad, learned APP for the Respondent No.1 – State and Ms. Devki Sahu, learned Counsel for Respondent No.2 – Complainant.

3) The parties have settled the matter and in fact, are residing together as husband and wife. Therefore, it is not necessary to refer to the allegations in detail. However briefly, the FIR mentions that the Respondent No.2 who has lodged the FIR came in contact with the Petitioner in the year

2022. He proposed marriage to her on 29/04/2023. Initially, she expressed her apprehension but he gave her confidence. The FIR thereafter mentions that on three occasions, they had their physical relations inspite of her reluctance. The Petitioner contacted the Respondent No.2's mother and grandmother and told them that he wanted to get married with the Respondent No.2. Her mother was agreeable but she told the Petitioner to have discussion with his family. Subsequently, the Petitioner started avoiding the topic of marriage and finally refused to marry the Respondent No.2. On these allegations, the FIR is lodged.

4) Now, the matter is settled between the parties. Both of them are not only married, but they have a child. They are residing together happily with the child. The Respondent No.2 has filed her Affidavit wherein the fact of settlement is noted. She has sought permission to withdraw the pending prosecution. She is present in the Court. She is identified by her learned Counsel. She informed the Court that she is residing happily with the Petitioner with their child.

5) Considering this situation and the settlement, in the interest of justice and in particular, in the interest of the child, we are inclined to allow this Petition. Hence, the following Order :-

(a) The FIR bearing C.R.No.426/2023 registered at APMC Police Station, Navi Mumbai for offences punishable under Sections 376 and 376(2)(n) of the Indian Penal Code,

1860 and the consequent proceedings arising therefrom, are
quashed and set-aside.

6) The Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

PREETI
HEERO
JAYANI

Digitally signed by
PREETI HEERO
JAYANI
Date: 2025.10.01
17:49:13 +0530