

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

CRIMINAL APPLICATION NO. 75 OF 2025

Aditya Rajjanlal Vimal

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Akash Kavade for Applicant.

Mr. J. P. Yagnik, APP for State/Respondent.

Mr. Amandeep Singh for the Respondent No.2.

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

DATE : 15 APRIL 2025

PC :

1. This is an application for quashing of the Sessions Case No.454 of 2024 pending before the Sessions Court, Mumbai, arising out of the C.R.No.123 of 2024 registered at Tilak Nagar police station, on 22.03.2024, under sections 376(2)(n) and 417 of the I.P.C.

2. The F.I.R. is lodged by the Respondent No.2. She has stated in the F.I.R. that, she had entered her name in a matrimonial site application. Through that site she came in touch with the Applicant. They exchanged their information. They met each other.

The informant came to Mumbai to meet the Applicant's family. She went to his house and stayed there for about three days. She was introduced to all the family members of the Applicant. She was treated as the prospective bride of the Applicant. It is mentioned in the F.I.R. that, during that period they had their physical relations. After that, she went back to her native place in Madhya Pradesh. The Applicant suggested to her that she should come to Mumbai for taking a job. She came back to Mumbai in search of a job and for giving interviews. On that occasion also she stayed in the Applicant's house for about three days. Even during that period, they had their physical relations. During those days she was introduced to all the friends and family members of the Applicant as the prospective bride of the applicant. The F.I.R. mentions that the Applicant's family demanded dowry of Rs.50,00,000/-, but she refused. In spite of that, the applicant's family was agreeable for the marriage.

3. In December 2023, the Applicant had gone to the native place of the informant in Madhya Pradesh. He had stayed in a hotel. Even during that stay they had their physical relations. On

31.12.2023, the Applicant went back to Mumbai. Thereafter the informant noticed a marked difference in the treatment given by the Applicant and his family members, to her. Finally, the Applicant's family decided not to go ahead with the marriage. Therefore, according to the first informant, the applicant had kept physical relations with her on false promise of marriage. On these allegations she lodged the F.I.R.

4. The Applicant, on his part, has lodged his own F.I.R. vide C.R.No.260 of 2024 at Tilak Nagar police station, on 11.06.2024, under sections 500 and 506 of the I.P.C. and under sections 66(E) and 67 of the Information Technology Act, 2000 on the allegations that the Respondent No.2 herein was threatening him and was telling him that she would make his intimate and obscene photographs viral.

5. After all this, now the parties have settled their dispute. The Respondent No.2 has filed her Affidavit and Additional Affidavit in reply supporting the Applicant's prayer for quashing of these proceedings. She has stated in her Affidavit in Reply that she

is already happily married and with the intervention of her elders, she has decided to settle the issue with the Applicant. She has given her specific no objection for quashing of these proceedings. She was married to another person and she is leading happy married life.

6. The Respondent No.2 was interviewed by the learned APP Mrs. Deshmukh. According to learned APP, she has verified that the wish expressed by the Respondent No.2 is genuine and she wants the proceedings to be quashed. She is leading a happy life. The charge-sheet contains statements of her brother and mother along with other statements. However, the main allegations are in the F.I.R. itself.

7. We have considered this situation. As can be seen that the applicant and the Respondent No.2 were to get married. It was not an empty promise which the applicant had made. All the family members on both the sides were aware of their plan to get married. In that situation, their physical relationship developed. Therefore, it cannot be said that the physical relations were based

on false promise of marriage. There is a definite element of consent. Unfortunately, the differences arose and the marriage could not take place resulting in lodging of the F.I.R.. On the other hand, the Applicant has also lodged his own F.I.R. Now the parties have settled the matter and both are leading their separate life. Therefore, it would be in the interest of justice that the present prosecution is quashed and set aside. No purpose will be served by continuation of these proceedings.

8. Hence, the following order:

O R D E R

- i) The proceedings in Sessions Case No.454 of 2024 pending before the Sessions Court, Mumbai, arising out of the C.R.No.123 of 2024 registered at Tilak Nagar police station, on 22.03.2024, under sections 376(2)(n) and 417 of the I.P.C. are quashed and set aside.
- ii) The Application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)