

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.84 OF 2025

Pawan Saroj Agarwal

Age about 33 Years, Occupation : Service,
Residing at : Govind Market, Markedeshwar
Bazaar, Police Station, Madhya Pradesh. ...**Applicant**

Versus

1. **The State of Maharashtra**

(At the instance of Manpada Police
Station, Dombivli vide C.R.No.I-434 of
2019).

2. **XYZ**

(Through Mandapa Police Station,
Dombivli).

...**Respondents**

Ms.Sonia Santis i/b.Mr.Mohammed Umar Kazi – Advocate for
Applicant.

Mr.Y.M.Nakhwa – APP for Respondent No.1 – State.

Mr.Ammar Nizami – Advocate for Respondent No.2.

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

DATE : 12th FEBRUARY 2025

P.C. :

1. This is an Application for quashing of the F.I.R.
registered vide C.R. No.I-434 of 2019 with Manpada Police
Station – Thane City and the resultant Sessions Case No.548 of
2019 pending before the Court of Sessions at Kalyan under

Sections 376(2)(n), 417, 323, 504, 506 of the Indian Penal Code, 1860 (“**IPC**”).

2. The F.I.R., is lodged by the Respondent No.2 on 22nd June 2019. She has stated, that she was earlier married in the year 2012 and she had two daughters from that marriage. Her husband had passed away in a road accident in 2015. She was residing at her maternal uncle’s place with her two daughters. She wanted to start her life afresh, therefore, she uploaded her profile on a matrimonial site. The Applicant had uploaded his own profile mentioning that he was a divorcee and was working in a multi-national company. The informant considered marrying him. They exchanged the phone numbers. They met each other on 15th August 2016 at Delhi. They discussed their future.

It is her case, that even at that time, he told that he had obtained divorce. In February-2017, the informant’s uncle was pressuring her to leave his house. The Applicant advised her to start residing in her own house. In March-2017, the informant’s cousin had a discussion with the Applicant but there was a quarrel between the Applicant and the informant’s cousin. The informant had decided to leave her maternal

uncle's house. The Applicant called her to Indore. In March-2017, she went to Indore. Her uncle contacted her. Therefore, the Applicant and the informant came back to Ulhasnagar and met the informant's uncle. The Applicant stayed at the informant's uncle's house for a few days. Since May-2017, the informant started residing at Nandivali with her two daughters.

In June-2017, the Applicant came to her house and told her, that they would get married. On that occasion, they had their physical relations. She has clearly stated in the FIR, that it was a consensual physical relations. Thereafter, he went to Indore. Even after that, he used to frequently visit her house and continued their physical relations. The informant asked him about the marriage. But, after few days, the Applicant told her that he could not marry her because of some defect in her kundali. Thereafter, she had decided not to meet him again.

It is her case, that the Applicant told her, that he would show her photos to the other family members. He started to pressurize her. It is her case, that on these threats, he established physical relations with her. There are allegations, that the Applicant took four mobile phones. The informant had paid the money by taking loan. But, the Applicant did not

repay that loan. He used to take money for his expenses. The informant herself deposited an amount of Rs.50,000/- (Rupees Fifty Thousand) in his account. In November-2018, the Applicant-accused doubted her character and refused to marry her. After that, in December-2018, again he came to the informant's house. He then met the informant's uncle. On 4th January 2019, the Applicant forcibly took her to a hotel and they had physical relations, though she claims, that it was against her wish. On these allegations, the F.I.R., is lodged.

3. Now, the matter is settled between the parties. The Respondent No.2 has filed her Affidavit. She has stated in her Affidavit, that due to intervention of the family members, friends and other members of the society, the dispute between them was settled. In view of the amicable settlement, she had "No objection" if the proceedings are quashed. She is present before the Court. She is identified by her learned counsel. She stated before the Court, that the proceedings be quashed. In fact, she insisted that the proceedings be quashed as she wanted to move ahead in her life peacefully and that, she had no grievance against the Applicant.

4. We have considered this situation. From the F.I.R.

itself, it is quite clear, that it was a consensual physical relations. The relations continued for at least one and half years. During that period, the Applicant had met the relatives of the informant and had promised to marry her. On some occasions, she realised that he would not marry her, even thereafter, their physical relations continued. Therefore, it is clear, that it was a consensual physical relations and the informant was aware of the consequences. The charge-sheet contains the statements of the maternal uncle of the informant. There is a statement of the informant recorded under Section 164 of the Code of Criminal Procedure, 1973 (“**Cr.PC.**”). Her story in that statement is consistent. The statement shows that it was consensual physical relations. The parties have settled the matter. The informant has “No objection” for quashing of the F.I.R., and the other proceedings. Therefore, we see no impediment in allowing this Application. Hence, following order:-

ORDER

- (i) The C.R. No.I-434 of 2019 registered with Manpada Police Station – Thane City and the resultant Sessions Case No.548 of 2019 pending before the Court of Sessions – Kalyan are quashed and set

aside, subject to the Applicant paying Rs.25,000/- (Rupees Twenty Five Thousand) as cost to the Police Welfare Fund, the details of which are as follows:-

Bank Name :-	Axis Bank Limited
Branch Name:-	Worli, Mumbai (H.H.) Mumbai – 400025.
Account Name:-	Central Police Welfare Fund
Account No.:-	914010029005759
IFSC Code:-	UTIB0000060

- (ii) The Applicant shall also pay cost of Rs.25,000/- (Rupees Twenty Five Thousand) to the Respondent No.2.
- (iii) The cost shall be paid within a period of eight weeks from today. If the cost is paid and if the receipts are shown in the Registry, there shall be no further reference to the Court. But, if the cost is not paid within the stipulated period, then the matter be placed for further consideration before the Court and in that situation, this order would be liable to be recalled.
- (iv) The Application is disposed of accordingly.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)