

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

CRIMINAL APPLICATION NO. 498 OF 2025

Adarsha Ramaswamy Yasa

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Pankaj Dubey for Applicant.

Smt. M. H. Mhatre, APP for State/Respondent.

Mr. Abhishek Singh for Respondent No.2.

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

DATE : 5 MAY 2025

PC :

1. Leave to amend is granted to add the Sessions case number in prayer clause and to mask the name of the Respondent No.2. Amendment to be carried out forthwith.

2. This application is filed for quashing of the proceedings arising out of the C.R.No.696 of 2022 registered at Vakola police station, on 29.06.2022, under sections 313 and 376 of the I.P.C. and the resultant Sessions Case No.956 of 2022 pending before the Sessions Court, 41st Court, Mumbai.

3. The F.I.R. is lodged by the Respondent No.2. She has stated that, she was working in a departmental store as the Sales Executive. Since 01.04.2022 she has left the job. She has stated that, when she was working in that departmental store, she came in contact with the petitioner. They were good friends. The Petitioner had also left the job from the said departmental store since January 2020. The F.I.R. mentions that, in January 2021 both of them had gone to attend the birthday party of the petitioner's friend. At that time, the Petitioner and the informant had consumed wine. Thereafter they had their first physical relation. The F.I.R. thereafter goes on to mention that they had their physical relations on 4 to 5 occasions. She got pregnant. In June 2022, the petitioner gave her pills for abortion. She suffered abortion and thereafter she lodged this F.I.R.

4. The charge-sheet contains statements of three witnesses who had accompanied the informant to the hospital, but in the hospital she suffered from bleeding and suffered abortion. The main allegations are contained in the F.I.R. itself. Now the matter is completely settled between the parties and in fact, both of them

i.e. the Petitioner and the Respondent No.2 have got married. The informant has filed her Affidavit mentioning that both of them have got married and that she has no objection for quashing of these proceedings.

5. Learned APP Smt. Mhatre interacted with the first informant. Learned APP told the Court that the desire of the informant to give no objection was genuine. Both of them were happily married and were residing together. A copy of the marriage certificate is annexed to this application which shows that they got married on 28.12.2022.

6. Considering this situation, no purpose would be served in continuation with the prosecution. The informant at the time of the incident itself was adult. No offence is made out. The pills for abortion were taken voluntarily by the informant. Therefore, we are inclined to allow this application.

7. Hence, the following order:

O R D E R

- i) The proceedings arising out of C.R.No.696 of 2022 registered at Vakola police station, on 29.06.2022, under sections 313 and 376 of the I.P.C. and the resultant Sessions Case No.956 of 2022 pending before the Sessions Court, 41st Court, Mumbai, are quashed and set aside.
- ii) The Application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)