

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (A.PL.) NO. 847 OF 2025**

Vishal Bhausahab Karkale

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Priyal G. Sarda a/w. Ms. Seema Dighe & Mr. Rajesh Ranglani for Applicant.

Ms. Savita M. Yadav, A.P.P for Respondent-State.

Ms. Preeti Walimbe a/w. Mr. Mayank Tripathi for Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 7th August 2025.

P.C. :

1) By this Application under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, the accused in R.C.C. No. 272 of 2024 pending on the file of learned Judicial Magistrate First Class, Pimpri, District Pune, arising out of C.R. No. 1248 of 2023, dated 28th December 2023, registered with Pimpri Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 376(2)(n), 406 & 420 of The Indian Penal Code, is seeking quashing of the said crime with the consent of Respondent No.2, the victim.

2) Mr. Sarda, learned Advocate for Applicant submitted that, the Applicant and Respondent No.2 were having an affair and the act as alleged

under Section 376(2)(n) of I.P.C. was a consensual act between two adult persons. He submitted that, when their relations got soured, present crime is registered. That, now their disputes and differences have been resolved and Respondent No.2 is giving her consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Ms. Walimbe, learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 17th July 2025 duly affirmed before a Notary Public. In para Nos. 3 & 4 thereof, the Respondent No.2 has admitted the act of amicable settlement and her desire to perform new marriage. In para No.4 itself, the Respondent No.2 has given her no objection for quashing of the crime in question.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 17th July 2025 and her 'no objection' for quashing of the crime in question.

4) Perusal of F.I.R. indicates that, the Respondent No.2 was earlier married, however in the year 2020 got divorce with mutual consent from her husband. In December 2022 she got acquainted with the Petitioner and their acquaintance was blossomed into an affair. By extending promise to marry with Respondent No.2, against her wish the Applicant established physical relations with her. The Applicant also induced Respondent No.2 to avail loan in her personal name and utilized the loan amount for his personal benefit.

Their relationship got subsequently soured and thereafter the Respondent No.2 has filed present crime. It appears to us that, when the Respondent No.2 entered into relations with the Applicant, she was an adult person and the relations between the Applicant and Respondent No.2 were consensual in nature.

5) In view thereof, we are inclined to quash R.C.C. No. 272 of 2024 pending on the file of learned Judicial Magistrate First Class, Pimpri, District Pune, arising out of C.C. No. 1248 of 2023, dated 28th December 2023, registered with Pimpri Police Station, Pimpri-Chinchwad.

6) As we expressed our opinion for quashing of R.C.C. No. 272 of 2024 pending on the file of learned Judicial Magistrate First Class, Pimpri, District Pune, learned Advocate for Applicant on instructions submitted that, for quashing of the said case the Applicant will voluntarily pay a cost of Rs.1,00,000/- to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.1) We therefore direct the Applicant to pay a cost of Rs.1,00,000/- to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

6.2) Details of the bank account for payment of cost are as under :-

Account Name :- Armed Forces Battle Casualties
Welfare Fund.
Account Number :- 90552010165915.
Bank Name :- Canara Bank.
Branch :- South Block, Defence Headquarters,
New Delhi – 110 011.
IFSC Code :- CNRB0019055.

6.3) Applicant to deposit the aforestated cost within stipulated period as noted above and submit receipt(s) of the same in the Registry of this Court.

7) In view of the above and subject to payment of cost by the Applicant within stipulated period, Application is allowed in terms of prayer clause (a).

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

9) List the Application on board on 10th September 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)