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

CRIMINAL APPLICATION (APL) NO.1092 OF 2025

Oliver Cyril Pinto & Anr.

... Applicants

Vs.

State of Maharashtra & Anr.

... Respondents

Mr. Viral Rathod with Shivani Shinde i/b Vishwatej Jadhav for the Applicants.

Ms. Sangeeta D. Shinde APP for the Respondent No.1-State.

Mr. Saeed Mughal with Mr. Azhar Shaikh for the Respondent No.2

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

DATED : 9th OCTOBER, 2025

P.C. :-

- 1) This is an Application for quashing of the proceedings pending before the Judicial Magistrate First Class 4th Court, Thane *vide* R.C.C. No.2029 of 2023 arising out of FIR bearing C.R. No.I-69/2023 against the Applicants registered at the Kapurbawadi police station under Sections 377, 420, 504, 506(2) alongwith and Section 4 of the Dowry Prohibition Act.
- 2) The FIR was lodged by the Respondent No.2. The main allegations are directed against the Applicant No.1 with whom she was engaged to get married, but the marriage did not take place. The Applicant

No.2 is the mother and the Applicant No.3 is the sister of the Applicant No.1.

3) The matter is settled between the parties and the Respondent No.2 has filed her affidavit of consent for quashing of this proceedings. Therefore, it is not necessary to refer to the allegations facts in the FIR in detail. However, briefly stated, the FIR dated 21st February, 2023 lodged by the Respondent No.2 mentions that she got in contact with the Applicant No.1 in July 2021. He was working as a pilot in an Airline. In December 2021, the Applicant No.1 proposed marriage to her in front of his family. The Respondent No.2 accepted his proposal. They got engaged through an engagement ceremony on 30th April, 2022. The marriage was to be performed on 31st January, 2022. In between, the Respondent No.2 started visiting house of the Applicant No.1. Most of the times other two Applicants used to be outside the house for some work. The Applicant No.1 used to be alone. The FIR thereafter goes on to mention certain instances from July 2022 onwards, when they had their physical relations attracting Section 377 of the I.P.C. Subsequently, the Applicant Nos.2 and 3 started saying that the Respondent No.2 was not bringing sufficient dowry or car. They were getting proposals for the Applicant No.1 giving flat, car, gold ornaments etc. The Respondent No.2 clearly told them that she was not in a position to fulfill their demands. The Applicant Nos.2 and 3 used to abuse her. But during all this period, the Applicant No.1 kept on promising that he will

marry her. On 24th January, 2023 also they had their physical relations. After that from 27th January, 2023 the Applicant No.1 stopped communicating with her and informed her that he did not want to marry her. On all these allegations the FIR is lodged. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains statements of the Respondent No.2's mother, Aunt and her friends. All of them have supported her case. After all this, now the matter is settled between the parties and the Respondent No.2 had given specific no objection for quashing to this proceedings. She has stated in her affidavit that she was giving her consent for quashing voluntarily without any force, coercion or undue influence. She interacted with the learned A.P.P. Smt.Sangeeta Shinde. The learned A.P.P. submitted before the Court that it is a genuine wish of the Respondent No.2 that the proceedings are quashed. She wants to move ahead in life.

4) We have considered the situation and we have seriously considered the allegations in the FIR. From the affidavit, we find that there is an element of consent. In spite of the situation where it could be seen that the marriage was not taking place, in spite of that, even thereafter, there were instances of physical relations, therefore, there is an element of consent apparent from this. In this situation since the Respondent No.2 does not want to proceed ahead with the prosecution. No purpose would be served in continuation of the criminal prosecution. The parties can lead

their peaceful life.

5) The learned A.P.P. informed that the Respondent No.2 is to get married shortly and she wants to move ahead in the life without being burdened by the past. In this situation in the interest of the parties and in the interest of justice, we are inclined to allow this Application.

6) Hence, the following order :-

:: ORDER ::

- (i) The proceedings pending before the Judicial Magistrate First Class 4th Court, Thane *vide* R.C.C. No.2029 of 2023 arising out of FIR bearing C.R. No.I-69/2023 against the Applicants registered at the Kapurbawadi police station under Sections 377, 420, 504, 506(2) alongwith and Section 4 of the Dowry Prohibition Act against the Applicants are quashed and set aside.
- (ii) The Criminal Application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)