



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO.1107 OF 2024

Shri Ashwin Sahadeo Chinchulkar, age –
30 years, Occ – Business, R/o Shivshakti
Nagar, Datawadi, Dist. Nagpur City.

... APPLICANT

VERSUS

1. State of Maharashtra, through Police
Station Officer, MIDC Police Station
Dist. Nagpur City.
2. XYZ (Victim) Crime No.297/2024
through Polcie Station Officer, MIDC
Police Station, Dist. Nagpur. City.

... NON-APPLICANTS.

Shri S.P. Bhandarkar, Advocate a/w Shri Atharva Khadse, Advocate for
the applicant.

Mrs. Haider, Addl.PP. for the non-applicant/State.

Ms Priyanka Arbat, Advocate for non-applicant no.2(appointed).

CORAM : NITIN B. SURYAWANSHI AND
PRAVIN S. PATIL, JJ.

DATE : 12.03.2025.

ORAL JUDGMENT : (Per : Nitin B. Suryawanshi, J.)

RULE. Rule made returnable forthwith.

2. This application filed under Section 482 of the Code of Criminal Procedure seeks quashing of First Information Report ('FIR') bearing Crime No.297 of 2024 registered with M.I.D.C. Police Station, Nagpur City for the offence punishable under Sections 376(2)(n), 506 of the Indian Penal Code, Sections 3(1)(w)(i)(ii), 3(1)(v)(5) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and the proceedings of Special Case No.266 of 2024 pending before the learned District and Sessions Judge, Special Court No.8, Nagpur.

3. Non-applicant no. 2 lodged FIR, in short alleging that she received a friend request on Facebook from the applicant, there after there was exchange of messages between applicant and non-applicant no.2. Thereafter, they started meeting with each other and frequency of meetings increased at a latter point of time. In the month of August, 2023, applicant and non-applicant no. 2 went to hotel Royal Stay. After drinking water offered by the applicant, she felt dizzy and applicant established physical relations with her. Thereafter also, they used to meet at the same

hotel and they used to have physical contact. Applicant used to assure her that he would marry her. Last physical relations between them were in December, 2022. But, thereafter applicant stopped contact with non-applicant no.2. He also stopped to give reply to her messages, hence she lodged FIR stating that he has forcibly established physical relations with her against her wish, and therefore, he has committed crime.

4. During pendency of this application, the applicant and non-applicant no.2 have amicably settled their dispute. Non-applicant no.2 has filed an affidavit stating that she lodged FIR in question, due to misunderstanding. She is student of M.Sc IInd year at Nagpur University and taking into consideration her future career, she does not intend to proceed with the present prosecution. She has entered into a mutual settlement with the applicant without any coercion, threat or undue influence and she does not wish to prosecute the case further. She has no grievance left against the applicant.

5. Applicant and non-applicant no.2 are present in the Court. Non-applicant no.2 has confirmed that she does not wish to

prosecute the prosecution any further.

6. In the FIR it is clear that non-applicant no.2 was major at the time of establishing the physical relations with applicant and the physical relations between them took place with consent.

7. In view of the compromise arrived at between the parties and the affidavit, no useful purpose would be served by continuing the prosecution against the applicant. Even if the prosecution is permitted to continue, it would amount to waste of judicial time and energy and abuse of the process of Court. In the result, the criminal application is allowed.

8. The proceedings of Special Case No.266 of 2024 pending before the learned District and Sessions Judge, Special Court No.8, Nagpur arising out of First Information Report bearing Crime No.297 of 2024 registered with M.I.D.C. Police Station, Nagpur City for the offence punishable under Sections 376(2)(n), 506 of the Indian Penal Code, Section 3(1)(w)(i)(ii), 3(1)(v)(5) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 is hereby

quashed and set aside.

9. Criminal Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

(NITIN B. SURYAWANSHI, J.)

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