



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APL) NO. 1113 OF 2024**

Kishor S/o. Vishwanath Bure,  
Aged about 57 years, Occ. : Government Servant,  
R/o. Plot No.147, Shilpa Society, Narendra Nagar,  
Nagpur.

.... **APPLICANT.**

**// VERSUS //**

1. State of Maharashtra,  
through Police Station Officer,  
Ganeshpeth, District : Nagpur.
2. XYZ  
Crime No.300/2024,  
Through Police Station Officer,  
Ganeshpeth, Dist. Nagpur.

.... **RESPONDENTS.**

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Shri Sangram V. Sirpurkar, Advocate for Applicant.  
Shri K.R.Lule, A.P.P. for Respondent No.1/State.  
Shri R.V.Tambe, Advocate for Respondent No.2.

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**CORAM : ANIL S. KILOR AND  
VRUSHALI V. JOSHI, JJ.**

**DATED : JUNE 16, 2025.**

**ORAL JUDGMENT** : (Per : Anil S. Kilor, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard by consent of

the learned counsel for the parties.

3. By way of present application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (“BNSS” for short) a prayer is made for quashing and setting aside the First Information Report vide Crime No.300 of 2024, dated 03/07/2024, registered with Police Station Ganeshpeth, Nagpur for the offence punishable under Section 376(1) of the Indian Penal Code.

4. The respondent No.2/complainant is 49 years of age and having gone through the contents of the First Information Report it is evident that it is a matter of consensual relations and when such long term relationships turned sour, resulted in dragging the applicant at a belated stage in the juggernaut of stringent criminal process.

5. The respondent No.2 has filed an affidavit stating therein that there was love relation with the applicant and she does not want to prosecute the applicant.

6. The Hon’ble Supreme Court of India in the case of *Mahesh Damu Khare ..vs.. State of Maharashtra*, reported in **2024 SCC OnLine SC 3471** underscores the delicate balance between upholding the sanctity of

consensual relationships and preventing the misuse of criminal laws to penalize individuals unjustly. The Hon'ble Supreme Court has observed thus :

*“31. In our view if criminality is to be attached to such prolonged physical relationship at a very belated stage, it can lead to serious consequences. It will open the scope for imputing criminality to such long term relationships after turning sour, as such an allegation can be made even at a belated stage to drag a person in the juggernaut of stringent criminal process. There is always a danger of attributing criminal intent to an otherwise disturbed civil relationship of which the Court must also be mindful.”*

7. The complainant stated on oath that she does not want to prosecute the complaint filed against the applicant, no purpose will be served by keeping the criminal case pending against the applicant. Due to the amicable settlement, there will not be conviction to the applicant. Hence, in view of the judgment of the Apex Court in the case of *Gian Singh Vs. State of Punjab*, reported in (2012)10 SCC 303, following order will sub-serve the ends of justice.

8. Thus, considering the law laid down by the Hon'ble Supreme Court, the statement made by the respondent No.2 on affidavit and further on merit having found that it is the case of consensual relationship, we proceed to pass the following order :

- i) The Criminal Application is allowed.
- ii) The First Information Report vide Crime No.300/2024 dated 03/07/2024, registered with Police Station Ganeshpeth, Nagpur for the offence punishable under Section 376(1) of the Indian Penal Code is hereby quashed and set aside.

Rule is made absolute accordingly.

(VRUSHALI V. JOSHI, J)

(ANIL S. KILOR, J)

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