



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

CRIMINAL APPLICATION (APL) NO. 277 OF 2024

Subhas Govind Ambhore,
Aged:55 Yrs., Occ.: Teacher,
R/o. Near Bank of India, C-Wing,
Room No. 201, Barkha Society,
Sector No.2/D, Airoli, Thane,
Tq. and Distt. Thane

...APPLICANT

// V E R S U S //

1. **State of Maharashtra,**
Through its Police Station Officer,
Police Station Washim (Rural),
Tq. & Dist. Washim
2. **XYZ,**
Crime No. 522/2023,
Police Station Washim (Rural),
Tq. & Distt. Washim

NON-APPLICANTS

Ms Kritika M. Shekhar, Adv. h/f. Mr R. S. Kurekar, Advocate for the applicant
Mr A. B. Badar, APP for Non-applicant No. 1/State
Mr G. C. Khonde, Advocate for Non-applicant No.2

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATED : MAY 05, 2025.

ORAL JUDGMENT : (PER : ANIL S. KILOR, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Taken up for
final disposal with the consent of learned counsel for the parties.

3. In the present application, filed under Section 482 of the Code of Criminal Procedure ("the Cr.P.C.", for short), the prayer is made to quash and set aside the Crime No.522/2023 dated 09.12.2023, registered with police Station Washim Rural, Dist. Washim for the offences punishable under Sections 376, 376(2)(k), 376 (2)(n) of the Indian Penal Code ("the IPC Act", for short).

4. Learned counsel for the applicant submits that there was a consensual relations between the applicant and non-applicant No.2. It is submitted that on the date of lodging of the FIR, the non-applicant No.2 was 50 years old widow. Whereas, the applicant is married one and having children. It is argued that the complainant/non-applicant No.2 had complete knowledge of the said fact. She, therefore, submits that since there was a consensual relations no offence would attract as alleged.

5. Learned APP and learned counsel for the non-applicant No.2 strongly opposed the application.

6. Learned APP submits that there was a false promise of marriage and it was told to the non-applicant No. 2 that his wife and children left him. Learned APP, therefore, submits that the consent was given under misconception.

7. Learned counsel for non-applicant No.2 reiterated the submission of learned APP and prayed for rejection of the present application.

8. In the light of the rival submissions, we have perused the FIR and its contents. It is evident that the applicant was 50 years old when the complaint was lodged. The first alleged incident took place on 04.08.2022 and if the age of the non-applicant No.2 at that time is considered, she was 49 years old. Thus, it can be said that she had an understanding of the consequences of her every action and to recognize a result or outcome of such action.

9. Further, it is evident from the report that she even went with the applicant to various places and hotels. Thus, from the

report it is evident that there was a consensual relations between the applicant and non-applicant No.2.

10. In that view of the matter, as no offence constitutes against the applicant, as alleged, we are of the opinion that the application needs to be allowed.

11. Accordingly, the criminal application is **allowed**.

12. The FIR No.522 of 2023 dated 09.12.2023 for the offence punishable under Sections 376, 376(2)(k), 376 (2)(n) of the Indian Penal Code registered at Police Station Washim Rural Distt. Washim is hereby quashed and set aside.

Rule accordingly.

Pending application, if any, also stands **disposed of**.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]