



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

CRIMINAL APPLICATION (APL) NO. 155 OF 2025

Pradeep S/o. Ranjeet Gautam,
Aged:32 Yrs., Occ.: Service,
R/o. 107, Aawas Vikas Colony,
Near Geeta Vatika, In front of
Litem Flower School, Sahapur
Road, Gorakpur, Uttarpradesh

At Present House No. B2-12,
Vrindavan Township, Nand Society,
Jamtha, P.O. Gumgaon,
Distt. Nagpur (M.S.)-441122

...APPLICANT

// V E R S U S //

1. **State of Maharashtra,**
Through PSO Beltarodi,
Police Station – Beltarodi,
Tah. Nagpur, Distt. Nagpur.

2. **XYZ (Victim),**
in Crime No. 657 of 2024,
P.S. Beltarodi, Tah. Nagpur City,
Distt. Nagpur

NON-APPLICANTS

Mr H. P. Lingayat, Advocate for the applicant
Mr S. S. Doifode, APP for Non-applicant No. 1/State
Mr S. U. Dable, Advocate for non-applicant No.2

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATED : MAY 07, 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. By the present application, filed under Section 482 of the Code of Criminal Procedure ("the Cr.P.C.", for short), prayer is made to quash and set aside the proceeding bearing Regular Criminal Case No. 538 of 2025 and the chargesheet filed in FIR No.657 of 2024 dated 12.12.2024, registered with Beltarodi Police Station, District Nagpur City for the offence punishable under Sections 376(2)(n) and 323 of the Indian Penal Code.

4. Learned counsel for the applicant and the learned counsel for the non-applicant No.2 make a joint statement that the parties have settled the matter outside the Court. The non-applicant No. 2 filed the reply on affidavit today and in the same she has reiterated the fact of the settlement. Even otherwise if the allegations made in the FIR are considered, it is evident that the non-applicant No. 2 stayed with the applicant in live-in relationship and during the said period it is alleged that he made a promise to

marry her. Thus, it is evident that there was no promise of marriage prior to establishment of physical relations but it was subsequent to the establishment of the physical relations. Thus, it is a case of consensual relations and therefore, no offence attracts under Section 376(2)(n) of the IPC.

5. In that view of the matter, since the parties have settled the matter and as the non-applicant No.2 does not want to prosecute the applicant, even if the trial is held no fruitful purpose will be served and the whole exercise will be proved futile. In the circumstances we are of the opinion that as per the settlement the present application is deserves to be allowed.

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

7. The criminal proceeding bearing RCC No. 538 of 2025 and the Charge-sheet arising out of the FIR No. 657 of 2024 for the offences punishable under Sections 376(2)(n) and 323 of

the Indian Penal Code registered with Police Station Beltarodi,
District Nagpur city is hereby quashed and set aside.

Rule accordingly.

Pending applications, if any, also stand **disposed of**.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]

Namrata