



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

**CRIMINAL APPLICATION (APL) NO. 489 OF 2025**

(DARSHAN PRAKASHCHAND DUGAD...VS..STATE OF MAH. THR. PSO PS IMAMWADA POLICE  
STATION, NAGPUR & ANR.)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri R.M.Bhangde, Advocate for Applicant.  
Shri Amit R.Chutke, A.P.P. for Respondent No.1.

**CORAM : ANIL S. KILOR AND**  
**PRAVIN S. PATIL, JJ.**

**DATED : APRIL 25, 2025.**

1. Heard.
2. Shri Bhangde, learned counsel for the applicant argues that this is a case of consensual relations and the period is between 10/11/2022 to 25/01/2025, during which allegedly the applicant on many occasions established physical relations with the non-applicant No.2.
3. To substantiate his argument that no offence, as alleged, constitutes against the applicant, he has placed reliance on the judgments of the Hon'ble Supreme Court of India in the cases of *Pramod Suryabhan Pawar ..vs.. State of Maharashtra*, reported in (2019) 9 SCC 608, *Uday ..vs.. State of Karnataka*, reported in (2003) 4 SCC 46 and *Salimbhai Hamidbhai Menon ..vs.. Niteshkumar Maganbhai Patel and Another*, reported in (2022) 18 SCC 662.

4. Having gone through the contents of the FIR and the law laid down in the above referred judgments, prima-facie we find substance in the submission made by the learned counsel that there was a consensual relationship and hence, no offence constitutes. The applicant is an IPS Officer and as per the Disciplinary Rules applicable to the applicant, because of the said FIR, some coercive action in relation to his employment is anticipated.

5. In that view of the matter, issue notice to the respondents, returnable on **08/05/2025**.

6. Shri Amit Chutke, learned A.P.P. waives notice for the respondent No.1.

7. The applicant is permitted to serve the respondent No.2 by private mode in addition to regular mode of service and shall file affidavit of service before next date.

8. Furthermore, in view of the above referred observations, we direct the respondent No.1 not to take any coercive action till next date.

(PRAVIN S.PATIL,J)

(ANIL S.KILOR,J)