IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 CRIMINAL APPLICATION NO. 979 OF 2025

Ganesh Govind Janwale
VERSUS
The State Of Maharashtra And Another
.....
Mr. R. G. Hange a/w Mr. A. R. Hange, Advocate for Applicant.
Mr. M. A. Aher, APP for Respondent – State.
Mr. S. R. Shirsat, Advocate for Respondent No.2.
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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 12 OCTOBER, 2026

PC:

1. Heard Mr. Hange, learned counsel for the applicant, Mr. Shirsat, learned counsel for respondent No.2 and Mr. Aher, learned APP for State.

2. The applicant is challenging the First Information Report No.367 of 2024 registered with Shivajinagar Police Station, Beed, for the offences punishable under Sections 64, 64(2)(m), 352, 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 and the consequential charge-sheet arising thereof.

3. The FIR in question was lodged by the respondent No.2 on 1 August 2024, alleging therein that the applicant, on the pretext of marrying her, had sexual intercourse with her on various occasions from the year 2023 until the filing of FIR. The FIR refers to various events and incidents as

alleged that the applicant by giving her promise to marriage has committed sexual intercourse at various places. It is further stated that the applicant subsequently married the informant on 10 May 2024 at one Gurukrupa Mangal Kryalaya, Alandi. However, the respondent–informant subsequently came to know that the applicant was also maintaining a relationship with another girl who was closely related to him. Therefore, she lodged the present FIR. The investigating officer recorded statements on various witnesses, including the statement of the informant under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), before the learned Judicial Magistrate First Class. After completion of the investigation, the investigating officer filed charge-sheet No.97 of 2025 on 6 April 2025.

4. Learned counsel for the applicant submits that the alleged incident initially took place on 23 January 2023, whereas the informant lodged the FIR after a period of 20 months. He further submits that the applicant and the informant were in a relationship during the relevant period and that the informant did not lodge any complaint against the applicant during the said period. It is also found that the informant was staying along with the applicant a for considerable period of time. The learned counsel for the applicant submits that this case is covered by the judgment passed by the Hon'ble Apex Court in the case of **Sachin Gupta Vs. The State of**

Chhattisgarh and Anr[1] and **Ajeet Singh Vs. State of UP**[2]. He therefore prays for quashing and setting aside the FIR No. 367 of 2024 and the consequential proceedings.

5. *Per contra*, learned APP, Mr. Aher strongly opposes the instant application and submits that the material collected by the investigating officer contains sufficient incriminating material to prosecute the applicant. He submits that the applicant had performed the sexual intercourse with the informant on various occasions and that the allegations disclose serious and grave offence. The statements recorded by the investigating officer also discloses that the applicant had taken informant to various places and performed the illegal act. He therefore submits that since there is incriminating material available against the applicant, the applicant is liable to be prosecuted before the Trial Court.

6. Mr. Shirsat, learned counsel for the respondent No.2-informant, also strongly opposes the instant application. He submits that the applicant, on the pretext of marrying with respondent–informant, deceived her and had committed sexual intercourse with her. He submits that the consent given by informant cannot be considered as absolute and voluntary. He therefore submits that the applicant is liable to be prosecuted for the offences registered against him. He also further submits that the applicant having

1 (SLP (Crl.) No(s).4615 of 2026 decided on 1st October 2026.
2 AIR 2024 SC 257

married with the respondent–informant, the applicant was required to take care of her. However, despite the marriage, the applicant has left her, thereby causing tremendous harassment to her. He therefore submits that the present application deserves to be rejected and that the applicant should face prosecution before the Trial Court.

7. After perusing the entire material on record and going through the judgments relied upon by the learned counsel for the applicant, it is found that the applicant and the respondent–informant were in a physical relationship since the year 2023 and that they had physical relations on various occasions at various places. The events discloses that the informant herself on her own followed the applicant and even performed marriage with him. As there was no enmity with applicant she had not chosen to report the matter to the police.

8. It appears that the dispute between the parties arose after informant allegedly noticed photographs of the another girl, who was closely related to the applicant, on the applicant's mobile phone. The said photographs appears to have led to a quarrel between the parties, following which the respondent-informant approached to the Police Station. After perusal of the aforesaid citations relied upon by the learned counsel for the applicant, the facts of this case are identical to said reported judgment. The Hon'ble Apex Court in the case of **Pramod Suryabhan Pawar Vs. The**

State of Maharashtra & Anr. passed in Criminal Appeal No.1165 of 2019 (@SLP (Cri.) No.2712 of 2019 decided on 21st August 2019, also dealt with an identical issue which favours the present applicant.

9. In that view of the matter, on the basis of material available on record, this Court is of the view that the continuation of the proceedings would amount to an abuse of the process of law. Accordingly the application is allowed. FIR No.367 of 2024 registered with Shivajinagar Police Station, Beed, for the offences punishable under Sections 64, 64(2)(m), 352, 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 and the consequential charge-sheet dated 6 April 2025 and also consequential proceedings before Sessions Court are quashed and set aside.

10. Needless to state that, Regular Criminal Case No. 293 of 2023, pending before the learned Chief Judicial Magistrate, Beed, along with the order issuing process dated 7 April 2025, stands quashed and set aside.

(SUSHIL M. GHODESWAR, J.)