



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CRIMINAL APPLICATION NO. 4448 OF 2025

RAVINDRA LIMBAJI SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S. S. Kulkarni, Advocate for Applicant

Mr. V. M. Lomte, APP for Respondent No.1/State

Mr. Ashish Kachole, Advocate for Respondent No.2.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 7th JANUARY, 2026

FINAL ORDER :-

1. The Applicant-accused seeks quashment of FIR No. 395/2025 dated 21/07/2025 registered with Shivajinagar Police Station, Beed for offences punishable under Sections 64(2)(m), 115(2), 351(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023 and under Sections 3, 25 of Arms Act and consequential proceedings arising therefrom.

2. The investigation was set to motion on the basis of information given by Respondent No.2 who is aged about 39 years contending that she married on 29/05/2017. She is blessed with two children out of matrimonial relationship. Her son is aged about

13 years and daughter aged about 16 years. She states that prior to her marriage, she was residing in police line area at Beed. She was acquainted with Applicant-accused who was her neighbour. After her marriage with one Ravindra she started residing at Rampuri, Tq. Georai. Later on she settled at Beed. Since then accused came in her contact and established physical relationship. Her husband used to be out of station owing to nature of his work. The Applicant took benefit of the same and continued physical relationship with Informant since 2013 on words. According to Informant, accused forced her to continue physical relationship on gun point. Lastly, on 01/06/2025 he abused and raped her. Pursuant to aforesaid information, Crime No. 395/2025 has been registered with Shivajinagar Police Station, Beed for aforesaid offences.

3. The Applicant/accused filed present Application for quashing of FIR contending that allegation in FIR would suggest that there was consensual sexual relationship between Applicant and Informant for more than 12 years before recording of FIR. As such ingredients of offences as alleged would not attract. In support of such contention, reliance is placed on observations of

the Supreme Court of India in case of *XXXX Vs. State of Madhya Pradesh, (2024) 3 SCC 496, Pramod Suryabhan Pawar Vs. State of Maharashtra, (2019) 9 SCC 608, Prashant Vs. State of NCT of Delhi, Criminal Appeal arising out of SLP (Cri.) No. 2793 of 2024* and *Madhukar & Ors. Vs. State of Maharashtra & Anr., 2025 InSC 819* .

4. On 18/12/2025, Respondent No.2 *suo moto* appeared through Advocate. It is submitted that parties have amicably settled dispute. Accordingly, parties were directed to appear before Registrar (Judicial) of this Court for verification and submission of report. The Registrar (Judicial) of this Court submitted report dated 23/12/2025 confirming that Applicant as well as Respondent No.2 appeared before him along with their learned Advocates. They identified parties. Learned Registrar (Judicial) has verified affidavit submitted on behalf of Respondent No.2. The affidavit is taken on record and marked as Exhibit 'X' for identification.

5. Respondent No.2 stated in paragraph No.3 of affidavit that since 2013, she had mutual and consensual relationship with Applicant due to the affection. Such relationship continued for 12

years voluntarily, frequently and both were emotionally attached. The physical intimacy between them was consensual and voluntary. The FIR was lodged under influence of relatives in compelling circumstances. Due to emotional distress, allegations incorporated in FIR are exaggerated and unfounded. She has also submitted multiple communications to Police Authorities including Inspector General of Police and requested to quash and set aside the FIR.

6. In light of aforesaid affidavit, it is evident that there is genuine settlement of dispute and Respondent No.2 is not likely to continue prosecution or support during trial of sessions case. Looking to the tenure of consensual relationship, which is apparent from contents of FIR as well as affidavit tendered by Respondent No.2. The ingredients of alleged offences would not attract. The Applicant and Respondent No.2 are respectively married persons. They have their independent family. The Applicant is in service with Police Department. No useful purpose would be served by continuing prosecution against the Applicant, further its continuation would be at cost of judicial time. In circumstances even on merit of case continuation of the prosecution against Applicant would be abuse of process of law, particularly looking to

the law laid down by Supreme Court of India in the cases referred above.

7. At this stage, Mr. V. M. Lomte, learned APP would submit that the prosecution machinery has been unnecessarily set in motion. Therefore, in case this Court comes to the conclusion that FIR and further proceeding is to be quashed, it shall be subject to heavy cost to be imposed upon Applicant and Respondent No.2.

8. There appears force in contention of learned APP, apparently, investigation machinery was set in motion with allegation of serious offences. Hence, in exercise of extraordinary jurisdiction under Section 482 of Criminal Procedure Code (Section 528 of Bharatiya Nagarik Suraksha Sanhita) proceeding against Applicant needs to be quashed subject to adequate costs. In that view of the matter, following order is passed:

ORDER

(i) Criminal Application No. 4448 of 2025 is allowed.

(ii) FIR No. 395/2025 registered with Shivajinagar Police Station, Beed for offences punishable under Sections 64(2) (m), 115(2), 351(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023 and under Sections 3, 25 of Arms Act and

consequential proceeding is hereby quashed and set aside.

(iii) The Applicant shall pay cost of Rs.1 lakhs to Government Cancer Hospital, Chhatrapati Sambhajinagar within a period of four weeks from date of uploading of this order.

(iv) Respondent No.2 shall also pay cost of Rs.1 lakhs to Government Cancer Hospital, Chhatrapati Sambhajinagar within a period of four weeks from date of uploading of this order.

(v) The compliance of the order shall be reported to this Court within six weeks from date of uploading of this order.

(S. G. CHAPALGAONKAR, J.)

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