Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.233/2026

MOSHIN ALLADAD KHAN
s/o Alladad Khan 39 years, Indian National r/o 58/2, Ward No.8, Hazirabi Residency, Katem, Baina, Marmugao - Goa

… PETITIONER

Versus.

1. STATE OF GOA
Through the Public Prosecutor, High Court of Bombay at Goa Porvorim, Goa.

2. THE POLICE INSPECTOR, Anjuna Police Station, Bardez, Dist - North Goa, Goa.

3. XXX,
r/o House No. 1598, Kumarwado, Nr. St. Michael Church, Anjuna Bardez - Goa

… RESPONDENTS

Mr Vibhav Amonkar and Mr Raj Chodankar, Advocates for the Petitioner.
Mr P. Faldessai, Additional Public Prosecutor for the State.
Mr Tarshish Pereira and Adv. P. Gaude, Advocates for Respondent No.3.

CORAM: ASHWIN D. BHOBE, J.

DATED: 30th OCTOBER 2026

P.C. :

1. Heard, Mr Vibhav Amonkar, learned Advocate for the Petitioner, Mr P. Faldessai, learned Additional Public Prosecutor for the State and Mr Tarshish Pereira, learned Advocate for Respondent No.3.

2. By this Petition, the Petitioner seeks to quash the FIR No.43 of 2020 dated 09.03.2020 registered at the Anjuna Police Station, Anjuna, Goa, for offences punishable under Sections 376 and 420 of the Indian Penal Code ("impugned FIR") and the Chargesheet No.46 of 2020 dated 24.05.2020 arising out of the impugned FIR, which is now registered as Sessions Case (Ors) No.7/2021, pending before the Additional Sessions Judge at Merces, Goa.

3. Mr Vibhav Amonkar, learned Advocate for the Petitioner and Mr Tarshish Pereira, learned Advocate for Respondent No.3, submit that the Petitioner and Respondent No.3 were friends. They submit that this friendship developed into a liking and thereafter into a consensual physical relationship. They submit that the Petitioner and Respondent No.3 were in this relationship for a substantial period. They submit that a misunderstanding led to a dispute between the Petitioner and Respondent No.3 and to Respondent No.3 filing the complaint. They submit that the Petitioner and Respondent No.3 have amicably settled the dispute with the intervention of family members and friends and have decided to end the criminal proceedings. They submit that the Petitioner and Respondent No.3 now intend to settle in life. They submit that Respondent No.3 has given her no objection by way of an Affidavit dated 01.07.2026 for quashing the criminal proceedings. They therefore request the quashing of the criminal proceedings by consent.

4. Mr Vibhav Amonkar states that the Petitioner is present in the Court and that he identifies the Petitioner.

5. Mr Tarshish Pereira states that Respondent No.3 is present in the Court and identifies Respondent No.3.

6. Mr Tarshish Pereira tenders the Affidavit dated 01.07.2026 affirmed by the Respondent No.3 before the Registry of this Court, same is taken on record and marked with '**X**' for identification.

7. Respondent No.3 states that the Affidavit ('**X**') is filed by her of her own free will and without any force or coercion by any person. She states that the contents of paragraphs 1 to 9 of the Affidavit ('**X**') are true and as per her say. She states that she filed the complaint registered as the impugned FIR due to a misunderstanding with the Petitioner. She states that her relationship with the Petitioner was consensual. She states that the misunderstanding with the Petitioner has been settled. She states that she now intends to settle in life and therefore wants to end the criminal proceedings. She states that she will not support the prosecution case in Sessions Case (Ors) No.7/2021. She refers to paragraphs 2 to 7 of her Affidavit ('**X**'), which are transcribed verbatim:

> " ***2.*** *I say that the Petitioner and myself have amicably settled the disputes which had arisen between ourselves. The disputes between the Petitioner's family and*

myself have also been resolved. The sister of the Petitioner has also assured that she would be withdrawing the Complaint which was filed by her against me.

3. *I say that I do not wish to pursue the said Complaint against the Petitioner as also the Complaint filed by me before the Whitefield Police Station Bengaluru City.*

4. *I say that I am given to understand that the Petitioner has filed the present Criminal Writ Petition for quashing the criminal proceedings instituted pursuant to my Complaint. I give my absolute consent to quash the said proceedings as the pendency thereof is not in my interest and I do not intend to continue prosecuting the said Complaint.*

5. *I record my no-objection to grant the reliefs sought by the Petitioner in the present Criminal Writ Petition and the same would also be in my interest.*

6. *I further undertake that I will not interfere with the Petitioner in any manner. The Petitioner has also unconditionally undertaken not to interfere with me any in manner. I say that the mother and sister of the Applicant have also undertaken not to interfere with me in any manner in the future.*

7. I say that I am deposing to the contents of the present Affidavit out of my own free will and volition without any duress or coercion."

8. Mr Pravin Faldessai, learned Additional Public Prosecutor for the State, submits that since the Petitioner and Respondent No.3 contend that their relationship was consensual and that they have settled their differences, the Respondent-State does not oppose the quashing of the impugned FIR and the criminal proceedings. He submits that the subject matter of the impugned FIR did not warrant it being taken to the Police station. He therefore insists on imposing costs on the Petitioner and Respondent No.3 for unnecessarily involving the Police in the dispute.

9. Mr Vibhav Amonkar and Mr Tarshish Pereira, on instructions from the Petitioner and Respondent No.3, state that they will pay appropriate costs.

10. The Hon'ble Supreme Court, in the case of *Madhukar and Others v/s. State of Maharashtra and Another*[1] in paragraphs 5, 6 and 7 has observed as follows:-

"*5. It is brought to our attention that both parties have categorically taken the stand before this Court that they have resolved their disputes amicably and are desirous of moving on with their lives. The complainant in the 2nd*

1 2025 SCC OnLine SC 1415

FIR, now married and residing with her husband, has expressed that continuation of the prosecution would cause further disruption in her personal life and that she has no wish to support the charges or pursue the matter any further.

6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any

meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome."

11. Considering the facts stated hereinabove, the submissions of the Advocates, the nature of the allegations in the impugned FIR, the statements made today by Respondent No.3, further, Respondent No. 3's intention to settle in life and her conscious statement that she would not be supporting the prosecution, securing a conviction in Sessions Case (Ors) No.7/2021 is ruled out. Continuing the criminal proceedings would impede Respondent No. 3's future life and serve no useful purpose.

12. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh v/s. State of Punjab*[2], *Parbatbhai Aahir @ Parbatbhai v/s. The State of Gujarat*[3] and *Narinder Singh & Others v/s. State of Punjab*[4], there is no impediment to quashing the criminal proceedings.

13. Subject to the Petitioner paying costs of Rs.1,00,000/- and Respondent No.3 paying costs of Rs.1,00,000/-, this Petition is allowed in terms of prayer clause (a). Payment of costs is a condition precedent. Consequently, the impugned FIR No.43 of 2020 dated 09.03.2020 and the Chargesheet bearing No.46 of 2020, are quashed. Sessions Case (Ors) No. 7 of 2021, pending before the Additional Sessions Judge at Merces, Goa, stands closed.

---

2 (2012) 10 SCC 303

3 (2017) 9 SCC 641

4 (2014) 6 SCC 466

14. The Petitioner and Respondent No. 3 shall deposit the cost amount of Rs.1,00,000/- each within one (1) week from today into the following account:-

Bank details:-

Matruchayya Trust
HDFC Bank, Ponda
IFC Code: HDFC0000169
SB Account No: 01691000027555

15. Mr Vibhav Amonkar, learned Advocate for the Petitioner and Mr Pereira, learned Advocate for Respondent No. 3, state that the Petitioner and Respondent No. 3 will deposit the costs within one (1) week from today and file an affidavit of compliance, along with proof of deposit, in this Court's Registry on or before 05.11.2026.

16. Criminal Writ Petition No.233/2026 is disposed of in the aforesaid terms.

ASHWIN D. BHOBE, J.

Signed by: SUCHITRA NANDAN SINGBAL
Designation: Personal Assistant
Date: 30/10/2026 19:16:24