

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 6503 OF 2024

Tarasing Pandit Rathod

... Petitioner

Versus

State of Maharashtra and another

... Respondents

Mr. Vikrant Phatate, for the Petitioner.

Mr. Avinash A. Naik, A.P.P. for Respondent No.1- State.

Mr. Ujwal Agandsurve (through V.C.) for Respondent No.2.

CORAM : SANDESH D. PATIL, J.

DATE : 12th JUNE, 2026.

P. C. :

1. By this petition, preferred under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks quashing of the FIR bearing No.305 of 2023 registered with Valsang Police Station, Solapur (Rural) for the alleged offences punishable under sections 109, 313, 504 r/w 34 of the Indian Penal Code (for short "I.P.C").

2. At the outset, learned counsel for the petitioner seeks leave to amend prayer clauses to add the number of Special Case pending before

the Special Court, Solapur. Leave as prayed for, is granted. Amendment to be carried out forthwith.

3. Heard learned counsel appearing for the petitioner, learned A.P.P appearing for respondent No.1 - State and learned counsel appearing for respondent No.2.

4. The prosecution case is that Respondent No.2 was in a love relationship with one Shivaji Govind Rathod. On 1 December 2022, she allegedly eloped with him and thereafter resided with him. During the said period, they had physical relations, as a result of which Respondent No.2 became pregnant. Mother of respondent No.2 lodged F.I.R No.512 of 2022 against the petitioner under sections 376 (2) (n), 363, 366 A, 212 r/w 34 of the Indian Penal Code and sections 4,8,12,17 and 21 of the Protection of Children from Sexual Offences Act, 2012.

5. It is alleged in the complaint that on 20th July 2023, at about 6:00 a.m., the sister of respondent No. 2 took respondent No.2 and her mother to Vijapur. It is the allegation of the complainant that her mother and sister compelled her to undergo abortion of the foetus. It is further alleged that, at the relevant time, they telephonically contacted the present petitioner and told respondent No.2 to speak with him. According to the complainant, during the said conversation, the petitioner also pressured and induced her to undergo the abortion.

6. Learned counsel for the petitioner states that charge-sheet has been filed. He invited my attention to the statement of the complainant recorded under section 164 of the Code of Criminal Procedure, 1973. The said statement which is at page 116 does not mention that she spoke with the present petitioner. This statement also does not mention that the petitioner had persuaded and directed respondent No.2 to undergo abortion.

7. Learned counsel appearing for respondent No.2, however, states that there is clear mention in the F.I.R that the petitioner forced her to abort. He states that, at this stage, F.I.R will have to be considered. He prays for dismissal of the petition.

8. Learned APP also supports the case of respondent No.2 and submits that the petition deserves to be dismissed.

9. After having heard learned counsel for the parties, only allegation against the petitioner is that he persuaded or forced respondent No.2 on telephone to undergo abortion. This is the case of respondent No.2 in her complaint, however, in the statement recorded under section 164 of the Cr.P.C before the learned Magistrate, respondent No.2 has not mentioned anything about petitioner's speaking to her and/or asking her to undergo abortion. If these proceedings are allowed to be sustained against the petitioner, it would be abuse of process of law. The proceedings *qua* the petitioner deserves to be quashed. Hence, the following order;

: ORDER :

(a) The Writ Petition is allowed.

(b) FIR bearing No.305 of 2023 registered with Valsang Police Station, Solapur (Rural) for the alleged offences punishable under sections 109, 313, 504 r/w 34 of the Indian Penal Code, 1869 and proceeding in Special Case No.140 of 2024 pending before the Special Court, Solapur *qua* the petitioner are hereby quashed.

10. There shall be no order as costs.

11. The Writ Petition stands disposed of.

[SANDESH D. PATIL, J.]