

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 6663 OF 2025

Mr. Nilesh Ashok Jadhav

...Petitioner

Versus

The State of Maharashtra And Ors.

...Respondents

Mr. Nilesh Navale a/w Mr. Pravin Khandare, learned Advocates for the Petitioner.

Petitioner is present in the Court.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.

Ms. Kanchan Pawar, learned Appointed Advocate through Legal-Aid for Respondent Nos. 2 & 3.

Respondent Nos. 2 & 3 are present in the Court.

PSI Mr. Sambhaji Mane attached to Kalyan Taluka Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JANUARY 2026.

P.C. :

1. Heard Mr. Nilesh Navale, learned Advocate for the Petitioner, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent and Ms. Kanchan Pawar, learned Advocate Nos. 2 & 3.

2. By the present Petition, Petitioner has sought for the following substantive relief in terms of prayer clause 7(A) :-

“A) That the Hon’ble Court may be pleased to quash C.R. No. 281/2019 dated 18.05.2019 at Kalyan Taluka Police Station, Kalyan, for offences punishable u/s. 4, 6, 8, 10 of the POCSO Act and 376 of the IPC along with charge-sheet

bearing no. 126 of 2020, along with Special Case No. 127 of 2020 on such terms and conditions as the Hon'ble Court may deem fit and proper."

3. Today, Petitioner is present in the Court along with his Advocate Mr. Nilesh Navale. Respondent Nos. 2 & 3 are present in the Court. They tender photostat true copies of their Aadhar Cards. Same are taken on record and marked as "X Colly." for identification.

4. Respondent Nos. 2 & 3 state that they have settled the dispute with the Petitioner. They request for appointment of an Advocate through Legal-Aid Panel so as to represent them in the present Petition for the purpose of completing the procedure of tendering Affidavit and seeking quashing of the criminal proceedings by consent. In view of the request made by Respondent Nos. 2 & 3 for legal assistance, Ms. Kanchan Pawar, learned Advocate on the Legal-aid Panel of this Court, who is present in the Court, is requested to represent Respondent Nos. 2 & 3. Respondent Nos. 2 & 3 consent for appointment of Ms. Kanchan Pawar, as their Advocate in this Petition. Maharashtra Legal-aid Committee to take a note of the appointment of Ms. Kanchan Pawar, under the Legal-aid Scheme to represent Respondent Nos. 2 & 3 in the present Petition.

5. Mr. Nilesh Navale, learned Advocate for the Petitioner and Ms. Kanchan Pawar, learned Advocate for Respondent Nos. 2 & 3 jointly submit that the Petitioner and Respondent No. 2 are indeed married and they are staying together as husband and wife. They jointly point out to Page Nos. 76 to 79 of the paper-book (i.e.

notification of marriage and photograph of their marriage). They refer to Affidavit-in-Replies filed by Respondent No. 2 & Respondent No. 3, which are affirmed before the Notary Advocate Ms. Pooja A. Kamble, Kalyan, District-Thane on 22.07.2025 (at Page Nos. 80 to 84 of the paper-book). Said Affidavit-in-Replies dated 22.07.2025 are marked as “X” & “X-1” for identification. They submit that the criminal proceedings filed by Respondent No. 3 against the Petitioner may not be continued and the same be quashed.

6. Respondent Nos. 2 & 3 state that the said Affidavits (X & X-1) have been filed by them out of their own free will and without any pressure or coercion from any person. Respondent No. 2, who is present in the Court states that she has married the Petitioner and both of them are happily living together as husband and wife for the last 2 years. Respondent No. 2 states that she has No Objection for quashing of the criminal proceedings. Respondent No. 3-Complainant confirms the status of Respondent No. 2 being the wife of Petitioner and he states that he has No Objection for quashing of the criminal proceedings.

7. Ms. Pallavi Dabholkar, learned A.P.P for the State/Respondent submits that the Petitioner and Respondent No. 2 now being married and the statements made today by Respondent Nos. 2 & 3 before this Court, as also their statements in the Affidavits both dated 22.07.2025 at X & X-1, no purpose would be served by continuing with the criminal proceedings. She therefore submits that the impugned FIR filed by Respondent No. 3 and the subsequent charge-sheet, can be quashed.

8. The Hon'ble Supreme Court in the case of ***Sandeep Singh Thakur v/s. The State of Madhya Pradesh and Anr.***¹, after considering the parties to the said proceedings having reconciled their differences and married with the intervention of the Court, the Hon'ble Supreme Court was pleased to set aside the conviction of the Appellant under Section 376(2)(n) of the Indian Penal Code, 1860 and quash the criminal proceedings initiated by Respondent No. 2 therein.

9. Considering the facts and circumstances of the present case, the nature of dispute, the Petitioner and Respondent No. 2 being happily married, they staying together as husband and wife, as admitted by the Petitioner as well as Respondent Nos. 2 & 3 before this Court, as also the statements made by Respondent Nos. 2 & 3 on oath (Affidavits at X & X-1) and guided by the decisions of the Hon'ble Supreme Court in the cases of ***Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.***², ***Gian Singh v/s. The State of Punjab and Another***³ and ***Narinder Singh and Others v/s. State of Punjab and Another***⁴, to secure ends of justice I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

10. Petition is therefore allowed in terms of prayer clause (A). Consequently First Information Report bearing No. 281 of 2019 dated 18.05.2019 registered with Kalyan Taluka Police Station, Kalyan for the offence punishable under Sections 4, 6, 8 & 10 of the Protection of Children from Sexual Offences Act, 2012 and

1. 2025 SCC OnLine SC 2927.

2. (2017) 9 SCC 641.

3. (2012)10 Supreme Court Cases 303.

4. (2014)6 Supreme Court Cases 466.

Section 376 of the Indian Penal Code, 1860 and the charge-sheet bearing No. 126 of 2020 along with Special Case No. 127 of 2020 pending before Special Court at Kalyan, are quashed. Criminal proceedings against the Petitioner arising out of the impugned FIR and charge-sheet are closed.

11. Criminal Writ Petition No. 6663 of 2025 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

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