

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

CRIMINAL APPLICATION NO. 1551 OF 2025

Rajiv Rajendrasingh Pradhan ...Applicant

V/S.

The Union Territory Of Daman And Diu ... Respondents

Mr. Aniket Nikam a/w Ronak Desai, for the Applicant.

Mr. Ashwin Thool a/w Archishmati Chandramore and Ayush Singh, for the Respondent No. 1 (Union Territory of Daman and Diu)

Mr. Anjaykumar Kori, for the Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th FEBRUARY, 2026.

P.C. :

1. By the present Application filed under Article 226 of the Constitution of India and 528 of Bharatiya Nagarik Suraksha Sanhita ('BNSS'), the Applicant has sought for the following relief :-

“a) This Hon'ble Court be pleased to quash and set aside criminal proceedings against the petitioner before Hon'ble Civil Judge Junior Division, Daman in RCC No. 191 of 2025 arising out of FIR/CR No. 75 of 2025 registered by Nani Daman Police Station for offence under section 64 (1) BNS, 2023 and the charge-sheet therein in view of Gian Singh Vs. State of Punjab; (2012) 10 SCC 303.”

2. Applicant (Mr. Rajiv Rajendrasingh Pradhan) is present in Court along with his Advocate Mr. Aniket Nikam. Photostat copy of the Applicant's Aadhar Card is taken on record and marked as 'X' for identification.

3. Respondent No.2 is present in Court along with her Advocate Mr. Anjaykumar Kori.

4. Mr. Aniket Nikam and Mr. Anjaykumar Kori submit that the complaint filed by the Respondent No. 2 against the Applicant was on account of misunderstanding. They submit that the Respondent No. 2 has realized her mistake and therefore she has no objection to quash the criminal proceedings. They submit that the statement of Respondent No.2 is recorded under Section 183(5) of B.N.S.S., 2023.

5. Mr. Anjaykumar Kori tenders affidavit affirmed by the Respondent No. 2 on 15th January, 2026 along with photostat copy of her identity card, same are taken on record and marked '**X-1**' and '**X-2**', respectively for identification.

6. Respondent No. 2 states that the affidavit (X-1) is filed out of her own free will and without any pressure or coercion from any person. She states that the contents of the affidavit (X-1) are as per her say. She reiterates her no objection for quashing of the criminal proceedings.

7. Mr. Ashwin Thool, Special Counsel, for the Respondent No. 1, states that though the Respondent No. 2 had made allegations against the Applicant in her statement dated 06.10.2025 recorded by the Police, the Respondent no. 2 in her statement recorded under Section 183(5) of B.N.S.S., 2023 has resiled from the her earlier statement. He submits that the Respondent No. 2 has taken proceedings for granted. He however submits that the impugned FIR and the criminal proceedings can be quashed, however subject to imposition of cost.

8. Considering the above said circumstances, the statement made by Respondent no. 2 before the Magistrate recorded under Section 183(5) of B.N.S.S., 2023, the statements made by the Respondent No. 2 in her affidavit (“X-1”) no purpose would be served in continuing with the criminal proceedings. Having regards to the pronouncements of the Supreme Court in the case of *Gian Singh vs State Of Punjab*¹, *Narinder Singh And Ors vs State Of Punjab And Anr*² and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³ there is no impediment in allowing this Application.

9. In view of the above, subject to payment of cost of Rs. 1,00,000/- by the Respondent No. 2, this Application is allowed in terms of prayer clause (a). Consequently, the FIR bearing No. 75 of 2025 and chargesheet bearing No. 89 of 2025, registered Nani Daman Police Station, Daman are quashed.

10. Respondent No. 2 is directed to deposit the cost of Rs.1,00,000/- in the below mentioned account within two weeks

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

from today and to file compliance Affidavit along with proof of deposit in the Registry of this Court on or before 9th March, 2026;-

DNH & DD Police Welfare Society	
Bank :-	State Bank Of India
Account No. :-	36004058950
IFSC :-	SBIN0002671

(ASHWIN D. BHOBE, J.)