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

CRIMINAL WRIT PETITION NO.1840 OF 2026

Rahul Vinod Mandal : Petitioner
Versus.
The State of Maharashtra and anr. : Respondents.

Mr. Naushad Ahmed for the Petitioner.
Mrs. Geeta Mulekar, APP for the Respondent/State.
Mr. Ibrahim Vakil for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 20 APRIL 2026

PC:-

1. Heard Mr. Naushad Ahmed, learned Advocate for the Petitioner, Mrs. Geeta Mulekar, APP for the Respondent/State and Mr. Ibrahim Vakil, learned Advocate for the Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioner for quashing of FIR No. 527 of 2025 dated 01 May 2025 registered with Malvani Police Station (impugned FIR) for offences punishable under Sections 69, 92 and 351(2) of the BNS Act, and for quashing the charge-sheet arising out of the impugned FIR.

3. Mr. Naushad Ahmed, learned Advocate for the Petitioner and Mr. Ibrahim Vakil, learned Advocate for the Respondent No.2, submit that the Petitioner and the Respondent No.2 were friends and that their friendship developed into a relationship and subsequently into a consensual physical relationship. They submit that the personal disputes between the Petitioner and the Respondent No.2 led the Respondent No.2 to file a complaint before the police, which was registered as the impugned FIR. They submit that the Petitioner and the Respondent No.2 have amicably reconciled their differences and continue to be friends. They submit that the Respondent No.2 wants to settle in her life and has given her no objection in her Affidavit dated 26 March 2026 to the quashing of the criminal proceedings. They therefore request the quashing of the impugned FIR and the charge-sheet arising from it.

4. The Petitioner is present in Court and is identified by his Advocate Mr. Naushad Ahmed. He tenders the Photostat copy of the Petitioner's Identity Card, which is taken on record and marked as "X" for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Ibrahim Vakil. He tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "X-1" for identification.

6. Mr. Ibrahim Vakil, learned Advocate for the Respondent No.2, states that the Affidavit dated 26 March 2026, is

affirmed by Respondent No.2 before the Registry of this Court, a photocopy of the Affidavit dated 26 March 2026 is tendered by him, which is taken on record and marked with “X-2” for identification. Mr. Ibrahim Vakil, learned Advocate for the Respondent No.2 states that the original Affidavit dated 26 March 2026 is filed by him in the Registry of this Court. Statement accepted.

7. Respondent No. 2 states that the said Affidavit (X-2) 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-2) are as per her say. She states that she and the Petitioner were friends and her relationship with him was out of love and affection, and that they had a consensual physical relationship. She states that it was a pure misunderstanding that led her to file the impugned FIR. She states that she has settled the matter with the Petitioner and she has no grievance whatsoever against the Petitioner. She states that she continues with a friendly relationship with the Petitioner. She states that she wants to settle in her life and therefore she is not interested in continuing with criminal proceedings and wants to end them. She states that she will not support the prosecution case. She therefore requests the quashing of the same. She relies on paragraph Nos. 2 to 5 which are transcribed herein below in verbatim :-

“2. I further say that at the time of lodging the complaint, I was emotionally disturbed and under stress due to certain relationship disputes, which led me to approach the police. In that stressful state of mind and

misunderstanding between me and the petitioner the said FIR came to be lodged.

3. *I say that the petitioner and I were in love affair and developed the consensual relationship without any force, undue influence, and coercion. However, after careful reflection and with a calm mind, I firmly state that no such acts as mentioned in the FIR ever occurred, and the same appears to have been the outcome of misunderstanding, miscommunication, and emotional distress.*

4. *I state that the situation between me and the petitioner has now completely changed, and all misunderstandings have been amicably resolved. The atmosphere of tension has been replaced with mutual trust, harmony, and clarity, and there remains no grievance whatsoever against the petitioner.*

5. *I sincerely believe that the continuation of proceedings in the manner recorded in the FIR will only result in unnecessary hardship, not only to the petitioner but also to me which has now been rebuilt with great effort.”*

8. Mrs. Geeta Mulekar, learned APP for the Respondent/State, submits that the Petitioner and the Respondent No.2 have given a criminal colour to a dispute which was a personal dispute between themselves. She, however, submits that in view of the statement made by the Respondent No.2 before this Court that she intends to lead a peaceful life and her statements / no objection in her Affidavit (X-2), Respondent No.1 -State has no objection to the quashing of the impugned FIR and the charge-sheet arising from it. However, she insists on the imposition of exemplary costs on the Petitioner as well as the Respondent No.2.

9. Mr. Naushad Ahmed, learned Advocate for the Petitioner and Mr. Ibrahim Vakil, learned Advocate for the Respondent No.2, on instructions, submit that the appropriate costs would be paid.

10. The Hon'ble Supreme Court in the case of *Madhukar Vs. State of Maharashtra*¹ has observed as under :-

“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.”

11. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the statements made by Respondent No. 2 before this Court, her intention to settle in life and the admitted fact that the relationship between the Petitioner and Respondent No. 2 is one of love and not of lust, the continuation of the criminal proceedings would cause her agony. Further, Respondent No. 2, having disclosed her clear intention not to support the prosecution case, no purpose would be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*², *Narinder Singh and Ors vs State of Punjab and Anr*³ and

¹ 2025 SCC OnLine SC 1415

² 2012 10 SCC 303

³ 2014 6 SCC 466

*Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*⁴, there is no impediment in allowing this Petition.

12. In view of the above, this Writ is allowed in terms of prayer clause (a), subject to Petitioner paying costs of Rs. 25,000/- and the Respondent No. 2 paying costs of Rs. 25,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the Charge-sheet arising out of the impugned FIR are quashed.

13. The Petitioner and the Respondent No. 2 shall deposit their respective costs in the Accounts mentioned below within four weeks from today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 10 June 2026.

a] The Petitioner shall deposit the amount of Rs.25,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

b] The Respondent No.2 shall deposit the amount of Rs.25,000/- in :-

Central Police Welfare Fund

Director General MS Mumbai

Account No: 914010029005759

Bank : Axis Bank Limited

⁴ 2017 9 SCC 641

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB0000060

14. The Writ Petition No.1840 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)