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

CRIMINAL WRIT PETITION NO.2227 OF 2026

Gunjan Naresh Thagria : Petitioner
Versus.
The State of Maharashtra & Anr. : Respondents

Mr. Yogesh Gandhi for the Petitioner.
Mr. Sukanta Karmakar, APP for the Respondent/State.
Ms. Payal Shah for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 28 APRIL 2026

PC:-

1. At the outset, Mr. Yogesh Gandhi learned Advocate for the Petitioner, seeks leave to add averments to the memo of petition to bring on record the fact that the Petitioner is presently lodged in Taloja Jail, Navi Mumbai. The request made by Mr. Yogesh Gandhi is not opposed by Mr. Sukanta Karmkar learned APP for the Respondent-State and Ms. Payal Shah, learned Advocate for Respondent No.2. In view of the no objection, leave is granted to amend the memo of petition. Mr. Yogesh Gandhi seeks permission to carry out the amendment forthwith. Permission is granted.

2. Heard, Mr. Yogesh Gandhi learned Advocate for the Petitioner, Mr. Sukanta Karmakar learned APP for the Respondent-State and Ms. Payal Shah, learned Advocate for Respondent No.2.

3. 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 to quash the FIR bearing No. 187 of 2026, dated 28 March 2026, registered with Vanrai Police Station (impugned FIR), Goregaon, Mumbai, for offences punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023.

4. Mr. Yogesh Gandhi learned Advocate for the Petitioner and Ms. Payal Shah learned Advocate for Respondent No.2, submit that the Petitioner and Respondent No.2 were friends. They further submit that their friendship developed into a relationship and thereafter into a consensual physical relationship. They submit that the marriage proposal between the Petitioner and Respondent No.2 was discussed amongst their respective families, however, the Petitioner's family opposed the proposal. They submit that in view of this opposition, Respondent No.2 filed a complaint, which led to the registration of the impugned FIR. They submit that the Petitioner and Respondent No.2 have now amicably resolved the matter. They submit that Respondent No.2 has decided to lead a peaceful life and to come out of the relationship with the Petitioner. They submit that Respondent No.2 intends to

settle in life with a different partner, accordingly, she has given her no objection in the Affidavit dated 17 April 2026 and the Additional Affidavit dated 24 April 2026 to the quashing of the impugned FIR. They, therefore, request the quashing of the impugned FIR.

5. Mr. Yogesh Gandhi learned Advocate for the Petitioner, states that the Petitioner is presently lodged in Taloja Jail, Navi Mumbai, following arrest in the impugned FIR. He continues to be in jail. Mr Yogesh Gandhi tenders the photostat copy of the Petitioner's Identity Card, which is taken on record and marked as "X" for identification.

6. Respondent No.2 is present in the Court and is identified by her Advocate Ms Payal Shah. She tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "X-1" for identification.

7. Ms. Payal Shah learned Advocate for the Respondent No.2, states that the Affidavit dated 17 April 2026, affirmed by Respondent No.2 before the Notary Ratnesh Kumar Upadhyay, is placed on record, same is marked as "X-2" for identification. She further states that the Additional Affidavit dated 24 April 2026, affirmed by Respondent No.2 before the Notary Aparna D Vhatkar, is also placed on record, same is marked as "X-3" for identification.

8. Respondent No. 2 states that the said Affidavit (X-2) and Additional Affidavit (X-3) are filed out of her own free will

and without any pressure or coercion from any person. She states that the contents of both the Affidavits (“X-2” & “X-3”) are as per her say. She states that she and the Petitioner were friends and they had a consensual physical relationship with each other. She states that the impugned FIR was filed due to the Petitioner's family rejecting her marriage proposal. She states that she has now decided to settle in life and lead a peaceful life. She states that she has settled the dispute with the Petitioner. She states that upon settlement with the Petitioner, she has given no objection in Affidavits (X-2) and (X-3) to the quashing of the impugned FIR against the Petitioner. She states that she will not be supporting the prosecution case. She relies on paragraphs Nos. 4 to 6 of the Affidavit (X-3) dated 24 April 2026, which are transcribed herein below in verbatim :-

“4) *I say that though our initial friendship and the consequential mutual inter-se relationship with each other also having further materialized as the consensual physical relationship with each other, however, due to the compelling surrounded circumstances to the Accused Petitioner and myself including but not restricted to the Non Acceptance of our proposed Marriage Proposal with each other by the parents as well as the parents of the Petitioner having shown their reluctances in the said Marriage proposal maybe because of the Caste barriers between myself and the Petitioner by which we belong, the said Courtship and the friendship including the said relationship came to the stand still for the considerable period of time.*

5) *I say that before all the inter-se misunderstanding which otherwise could have been discussed and/or resolved mutually inter-se amongst ourselves, I was misguided, misled and misdirected to file a complaint against the Petitioner Mr. Gunjan Naresh Thagria for which practically I being unaware about the consequential outcome thereof which resulted into the*

filing of the F.I.R. and thereafter, the consequential arrest of the Applicant in the case which according to me would not have arisen however, due to the misunderstanding and the miscommunication inter-se amongst ourselves. As such, I further say that any and/or all the allegations and / or statements which may / might have been made by me and / or at my instance at any point of time anywhere till date as against the Applicant Mr. Gunjan Naresh Thagria and / or his family members including his Fiancee Ms. Samiksha Verma in any manner whatsoever and howsoever shall stand forthwith withdrawn and / or revoked forever and that I further undertake that neither I myself nor my any legal heir and / or any other person claiming through or under me shall at all make and/or publish any allegation and/ or statement anywhere at any point of time against the Applicant Mr. Gunjan Naresh Thagria in any manner whatsoever and howsoever or at all.

6) *I say and submit that conserving the overall facts, parameters and the peculiar circumstances, purely looking at the broader view of the each others future and career by myself and the Petitioner (through his parents), I have finally and voluntarily decided to tender my "No Objection" and free consent for the quashing / withdrawal of the proceedings. The parties have settled the matter out of Court. I am executing this Affidavit of my own accord, free will, and desire, without any pressure, fear, undue influence, or coercion from any source. I further clarify that this consent is given without any monetary consideration or exchange of money from the Accused."*

9. Mr. Sukanta Karmakar, learned APP for Respondent No. 1-State, submits that in view of the settlement now arrived at between the parties and considering that the Petitioner is in jail, Respondent No.1- State does not object to the request for quashing of the impugned FIR. He, however, submits that the Petitioner and Respondent No.2 should be saddled with costs for unnecessarily dragging a personal matter to the police.

10. Mr. Yogesh Gandhi learned Advocate for the Petitioner and Ms. Payal Shah learned Advocate for the Respondent

No.2, on instructions, submit that the appropriate costs would be paid.

11. The Hon'ble Supreme Court in the case of *Madhukar v. State of Maharashtra*¹ in paragraph No.6 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.”

12. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the statements made by Respondent No. 2 before this Court, as also in her Affidavits (X-2) and (X-3) that her physical relationship with the Petitioner was consensual, that the impugned FIR was filed on account of her marriage proposal being rejected by the family of the Petitioner, that the Respondent No. 2 now intends to settle in her life, the clear statement of Respondent No. 2 that she is not willing to support the prosecution case and the no objection by the learned APP for the Respondent No. 1-State to the quashing of the impugned FIR, no useful purpose will be served by allowing the criminal prosecution to continue.

¹ 2025 SCC OnLine SC 1415

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

14. In view of the above, subject to Petitioner paying costs of Rs. 25,000/- and Respondent No.2 paying costs of Rs. 25,000/-, this Petition is allowed in terms of prayer clause (b). Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

15. The Petitioner and the Respondent No. 2 shall deposit their respective costs in the Account mentioned below within four (4) weeks from today and file in the Registry of this Court the compliance affidavit along with proof of deposit 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:-

² 2012 10 SCC 303

³ 2014 6 SCC 466

⁴ 2017 9 SCC 641

Central Police Welfare Fund

Director General MS Mumbai

Account No: 914010029005759

Bank : Axis Bank Limited

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

IFSC Code: UTIB0000060

16. The Writ Petition No.2227 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)