

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

CRIMINAL APPLICATION NO.276 OF 2026

Pappu Gulabdhhar Pathak : Applicant.

Versus.

The State of Maharashtra and anr. : Respondents.

Mr. Prathamesh Naik i/by Mr. Vikash Mishra for the Applicant.

Mrs. P P Bhosale, APP for the Respondent/State.

Mr. Karan Chaudhary for the Respondent No.2.

PSI Somnath Avhad, Tilak Nagar Police Station present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 22 APRIL 2026

PC:-

1. Heard Mr. Prathamesh Naik learned Advocate for the Applicant, Mrs. P P Bhosale learned APP for the Respondent/State and Mr. Karan Chaudhary learned Advocate for the Respondent No.2.

2. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is preferred by the Applicant for quashing the FIR bearing No. 626 of 2024 (impugned FIR) registered with the Tilak Nagar Police Station for offences punishable under Sections 64(1), 64(2)(m) and 69 of the

Bharatiya Nyaya Sanhita and for quashing the charge-sheet arising out of the impugned FIR.

3. Mr. Prathamesh Naik learned Advocate for the Applicant, and Mr. Karan Choudhari learned Advocate for the Respondent No.2, submit that the Applicant and the Respondent No.2 were friends and their friendship developed into a consensual physical relationship. They submit that a dispute arose between the Applicant and the Respondent No.2 due to a misunderstanding in the mind of the Respondent No.2, which led to the filing of a complaint and consequently, the registration of the impugned FIR. They submit that the Respondent No.2 has realised the mistake and has reconciled the differences with the Applicant with the intervention of the elders and well-wishers. They submit that in view of the settlement between the Applicant and the Respondent No.2, the Respondent No.2 has affirmed an Affidavit dated 22 April 2026, stating her no objection to the quashing of the criminal proceedings. They therefore request the quashing of the impugned FIR and the charge-sheet arising therefrom.

4. Applicant is present in the Court and is identified by his Advocate Mr. Prathamesh Naik. He tenders the Photostat copy of the Applicant'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. Karan Chaudhary. 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. Karan Chaudhary learned Advocate for the Respondent No.2 states that the Affidavit dated 22 April 2026, affirmed by Respondent No.2 before the Registry of this Court, is placed on record, the same is marked as "X-2" for identification.

7. Respondent No. 2 states that the Affidavit (X-2) is filed 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 true to her knowledge. She states that she was in a consensual physical relationship with the Applicant, a friend known to her for several years. She states that due to a misunderstanding on her part, a dispute arose with the Applicant, resulting in the filing of the impugned FIR. She states that upon realising her mistake, she has settled the matter with the Applicant. She states that the criminal proceedings are causing her agony and disturbing her peace of mind. She states that she is not interested in continuing the criminal proceedings and wants to bring them to an end. She categorically states that she will not support the prosecution case. She reiterates her no objection in her Affidavit (X-2). She refers to paragraphs 3 to 8 of her Affidavit, which are transcribed herein below in verbatim :-

"3. I say that subsequent to filing of the charge-sheet and registration of the Sessions Case, with the intervention of elders and well-wishers, the dispute

between me and the Applicant has been amicably settled. I have taken this decision considering the age, medical condition, family responsibilities and overall circumstances of the Applicant.

4. I state that during the course of my acquaintance and association with the Applicant, we were involved in a relationship and had physical intimacy on multiple occasions. I clarify that such interactions were of a consensual nature, undertaken with my conscious, voluntary and unequivocal consent, without any element of force, coercion, threat, inducement or undue influence.

5. I further state that at no point were the said interactions misconception induced by any of misrepresentation or false promise on the part of the Applicant, and I do not wish to attribute any criminality to the said interactions. I reiterate that I have no subsisting grievance of any nature whatsoever against the Applicant and I do not desire to pursue the present criminal proceedings any further. I have voluntarily decided to withdraw all allegations made by me against the applicant.

6. I state that I am not willing to support the prosecution case and I do not intend to lead any evidence, whether oral or documentary, either before the Investigating Agency or before the Trial Court, in respect of the said F.I.R., charge-sheet or the Sessions Case arising therefrom.

7. I therefore record my unconditional No Objection to the quashing and setting aside of the F.I.R. bearing C.R. No. 626 of 2024 and all proceedings arising therefrom, including the charge-sheet and Sessions Case No. 100194 of 2025 pending before the Learned 41st Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai.

8. I state that the present affidavit is made by me out of my own free will, with a clear and conscious mind, without any pressure, coercion, threat, inducement or undue influence from the Applicant or any other person whatsoever."

8. Mrs. P P Bhosale, learned APP, submits that in view of the statements made by the Respondent No.2 before this Court and the statements made by her in the Affidavit (X-2),

Respondent No.1 -State does not object to the quashing of the criminal proceedings. She, however, submits that the personal dispute, which was not required to be taken to the police station, was taken there by the Respondent No.2 and the Applicant, thereby setting the police machinery in motion, and as such, she insists on imposing costs on the Applicant and the Respondent No.2.

9. Mr. Prathmesh Naik and Mr. Karan Choudhari, on the instructions of the Applicant and the Respondent No.2, state that 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 and the submissions made by the learned Advocates, it is evident that a dispute between friends who were in a consensual physical relationship soured due to a misunderstanding. The differences are said to have been amicably settled. Respondent No.2 has taken a specific stand before this Court, as reflected in her Affidavit (X-2), particularly in paragraphs 3, 4, 5 and 6 where she categorically and consciously stated that she will

¹ 2025 SCC OnLine SC 1415

not support the prosecution's case. Respondent No.2 has also referred to the Applicant's medical condition and family responsibilities. Respondent No.1-State does not oppose the request made by the Applicant and Respondent No.2 for quashing the criminal proceedings. In the facts and circumstances of this case, the continuation of the criminal proceedings would serve no purpose.

12. 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 Application.

13. In view of the above, subject to Applicant paying costs of Rs. 15,000/- and Respondent No.2 paying Rs. 15,000/-, this Application is allowed in terms of prayer clause (b). Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising therefrom are quashed.

14. The Applicant and the Respondent No. 2 shall deposit their respective costs within three weeks from today and file the compliance affidavit with proof of deposit in the Registry of this Court on or before 08 June 2026.

a] The Applicant shall deposit the amount of Rs.15,000 in :-

The High Court Employees Medical Welfare Fund at Mumbai
Account No.: 000120110001337
Bank : Bank of India

² 2012 10 SCC 303

³ 2014 6 SCC 466

⁴ 2017 9 SCC 641

Branch : Mumbai Main
IFSC Code : BKID0000001

b] The Respondent No.2 shall deposit the amount of
Rs.15,000/- in:-

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

15. The Criminal Application No.276 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)