

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 305 OF 2026

Kamlog Kalasing Kro

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

Mr. Ganesh Gupta a/w Mr. Deepak Gupta, Mr. Madan Khansole, Mr. Sahil Ghorpade, Mr. Surya Gupta, Ms. Priyanka Rathod, Mr. Tushar Gaikwad, Mr. J. Patil & GG Legal Associates, for Applicant.

Mr. Harshad Dengale, Advocate for Respondent No. 2.

Mr. Tanveer Khan, APP for Respondent - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 9th MARCH, 2026

P.C. :

1. Heard Mr. Ganesh Gupta, learned Advocate for the Applicant, Mr. Tanveer Khan, learned APP for Respondent No. 1 – State, and Mr. Harshad Dengale, learned Advocate for Respondent No. 2.

2. This application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicant for

quashing the FIR bearing CR No. 355 of 2024, dated 31st August 2024 (impugned FIR), registered with Sangvi Police Station for offences punishable under Sections 64(1), 64(2)(m), 69, 74, 89, 115(2), 351(2) of the BSN, 2025, and charge-sheet No. 198 of 2024, arising out of the impugned FIR.

3. Mr. Ganesh Gupta and Mr. Harshad Dengale state that the Applicant and Respondent No. 2 were friends involved in a love affair and lived together for a considerable period. They assert that misunderstandings between the Applicant and Respondent No. 2 led Respondent No. 2 to file a criminal complaint. They mention that Respondent No. 2 now wishes to move forward in life and aims to pursue her career. They clarify that, for this purpose, she plans to leave the State of Maharashtra and return to her native State, Meghalaya, to continue her studies. They state that both Respondent No. 2 and the Applicant have experienced stress and suffering. They state that the Applicant and Respondent No. 2 have amicably resolved the matter, and that Respondent No. 2 has filed an affidavit dated 5th February 2026, affirmed before the Notary Anii Navnathrao Bhosale, giving no objection to the

quashing of the criminal proceedings. They therefore request acceptance of Respondent No. 2's no objection and the quashing of the impugned FIR and the charge sheet related to it. They rely on paragraphs Nos. 4 to 8 of the said affidavit dated 5th February 2026, which are transcribed herein below verbatim.

"4. I say that I am aware that the present Applicant/Original Accused is preferring present Criminal Application before this Hon'ble Court thereby seeking quashing of the F.I.R. bearing its C.R. No. 355 of 2024 duly registered with Sangvi Police Station lodged by me, we have amicably settled the dispute and differences that arose between me and the accused and I do not wish that the criminal investigation/prosecution proceeds any further. I do not wish to strain the cordial relationship that exists between us and our families as I want to move forward in life without any stain of past and doesn't wish to proceed any further with the Impugned FIR.

5. I say that I have settled my case amicably with the Applicant in view of resolving the conflict going, therefore now I am willing to settle all my complaints with the Applicant, Henceforth I provide my consent & will, to withdraw my criminal complaint which is pending in terms of criminal F.I.R. bearing its C.R No. 355 of 2024 registered by Sangvi Police Station at the instance of Respondent No. 2 u/s 61(1), 64(2)(m), 69, 74, 89, 115(2), 351(2) of BNS on 31.08.2024 against the Applicant.

6. I say that I am not willing to lead any evidence whether oral or documentary either before Police Machinery or before appropriate Court of Law in the present subject crime against the present Applicant in C.R. No. 355 of 2024 bearing sessions case no. 1024 of 2024 in view of amicable settlement and thereby consenting to allow the prayer made in the quashing Application.

7. I do hereby record my No-Objection for allowing the application preferred by the above-named Applicant thereby quashing of criminal F.I.R. bearing its C.R No. 355 of 2024 registered by Sangvi Police Station at the instance of Respondent No. 2 u/s 64(1), 64(2)(m), 69, 74, 89, 115(2), 351(2) of BNS on 31.08.2024 against the Applicant.

8. I say that I am giving my free consent for quashing of above referred criminal F.I.R. with my conscious mind, free will and without any sort of pressure, coercion, fraud applied on me by any person(s). Further I am also aware about the effect the present affidavit-cum-declaration more specifically the criminal F.I.R. bearing its C.R. No. 355 of 2024 and sessions case no. 1024/2024 pending on the file of Sangvi Police Station may get quashed and the above-named Applicant may get discharged from the criminal F.I.R. filed by me for which I am recording my free consent.”

4. Mr. Tanveer Khan, the learned APP for the State, submits that as the Respondent No. 2 and the Applicant have settled the matter, and Respondent No. 2 has expressed her intention to move on in life, as stated in her Affidavit dated 5th February, 2026. He has no objection to the quashing of the criminal proceedings. However, he insists on imposing costs on the Applicant.

5. Applicant is present in Court and is identified by his Advocate Mr. Ganesh Gupta. He tenders the Photostat copy of the

Identity Card of the Applicant, which is taken on record and marked as 'X' for identification.

6. Respondent No. 2 is present in Court and is identified by her Advocate Mr. Harshad Dengale. He tenders the Photostat copy of the Identity Card of Respondent No. 2, which is taken on record and marked as 'X-1' for identification. Respondent No. 2 states that the said Affidavit dated 5th February, 2026 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 dated 5th February, 2026 are as per her say. She reiterates her no objection to the quashing of the criminal proceedings. Affidavit dated 5th February, 2026, filed by the Respondent no. 2 is marked as 'X-2' for identification.

7. The Hon'ble Supreme Court in the case of *Madhukar and Ors. Vs. State of Maharashtra and Anr¹* in paragraph Nos. 6 has observed as follows :-

"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

¹ 2025 SCC OnLine SC 1415

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.”

8. This Court in the case of *Dilip Indermal Kothari v/s. The State of Maharashtra and Another*² in paragraph no. 4 has observed as follows:-

“4. It is true that offence under Section 376 is serious. However, considering the age of the prosecutrix and considering the financial dealing in between them, this Court feels that the case needs to be quashed. It will take a long time for final disposal of the case. The Applicant is required to attend the Court. Respondent No.2 will be required to attend the Court when case will come up for recording of her evidence. Already both parties have suffered lot of pain. So it will be in the interest of both the parties to quash the proceedings, so that both parties will be relieved from further mental stress. Hence, Order.

9. Considering the aforesaid circumstances, the submissions made by the learned Advocate for the parties and the statement by Respondent No. 2, who is present in Court and has stated that she intends to leave her past behind to lead a peaceful life, pursue her further studies (i.e., a Master in Political Science) in her native State Meghalaya, and does not wish to continue the criminal proceedings, as also her no objection in the affidavit ‘X-2’,

2. Criminal Application No. 211 of 2022 decided on 10.03.2022.

no purpose would be served by continuing the criminal proceedings. It would only cause prolonged distress for all concerned, especially Respondent No. 2. Therefore, in the peculiar facts and circumstances of this case, to secure ends of justice, this Application is allowed in terms of prayer clause (b), subject to the condition that the payment of Rs. 1,00,000/- as costs is a condition precedent. Consequently, the impugned FIR and charge-sheet No. 198 of 2024, arising out of the impugned FIR are quashed.

10. Mr. Ganesh Gupta, Advocate for the Applicant on instructions from the Applicant, present in court, states that costs shall be deposited within two weeks.

11. The costs of Rs. 1,00,000/- shall be deposited by the Applicant in the account mentioned below within two weeks from today, and a compliance affidavit, along with proof of deposit, shall be filed in the Registry of this Court on or before 30th March, 2026.

Deepstambh Foundation, Delhi

Bank Name : ICICI Bank

Account Name : Deepstambh Foundation Delhi

Account Number : 697401700986

Account Type : Savings
IFSC Code : ICIC0006974
MICR Code : 425229003

12. Criminal Application No. 305 of 2026 is allowed.

(ASHWIN D. BHOBE, J.)