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

CRIMINAL APPLICATION NO.368 OF 2026

Makrand Rajendra Sawant : Applicant.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Veerdhawal Deshmukh for the Applicant.
Mr. Sukanta Karmakar, learned APP for the Respondent/State.
Mr. Dnyanesh S Bhatkhande for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 17 March 2026

PC:-

1. Heard Mr. Veerdhawal Deshmukh, learned Advocate for the Applicant, Mr. Sukanta Karmakar, learned APP for the Respondent/State and Mr. Dnyanesh Bhatkhande, learned Advocate for the Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicant seeking to quash FIR No. 06 of 2024 dated 03 January 2024 (impugned FIR) registered at Kamothe Police Station, and Charge Sheet No. 17 of 2024, registered as Case No. 26 of

2024, pending before the Court of the Sessions Judge, Panvel, District Raigad.

3. The Applicant is present in the Court and is identified by his Advocate Mr. Veerdhawal Deshmukh. He tenders a photostat copy of the Applicant's Identity Card, which is taken on record and marked as "X" for identification.

4. Respondent No.2 is present in the court and is identified by her advocate, Mr. Dnyanesh Bhatkhande. He submits a photostat copy of Respondent No.2's identity card, which is taken on record and marked as "X-1" for identification.

5. Mr. Dnyanesh Bhatkhande states that the Affidavit dated 17 March 2026, affirmed by Respondent No. 2 before the Notary A R Surve, is placed on record and is marked as "X-2" for identification.

6. Respondent No. 2 states that the Affidavit (X-2) is filed of her own free will and without any pressure or coercion from anyone. She states that the contents of the Affidavit (X-2) are as per her say. She states that she does not intend to pursue the case and does not support the prosecution's case. She states that she does not plan to marry the Applicant and reiterates her no objection to the quashing of the criminal proceedings.

7. Mr. Veerdhawal Deshmukh and Mr. Dnyanesh Bhatkhande submit that the Applicant and Respondent No.2 developed a friendship on a social media platform. They

submit that this friendship evolved into liking and eventually a physical relationship. They submit that the physical relationship between the Applicant and Respondent No.2 was consensual. They submit that, due to a misunderstanding and disagreement, Respondent No.2 filed a complaint. They submit that the Applicant and Respondent No.2 have amicably resolved their issues. They submit that the Applicant was willing to marry Respondent No.2, however, Respondent No.2 does not wish to marry and prefers to live independently and peacefully. They submit that, given Respondent No.2's intentions and her clarification of the misunderstanding, she has no objection to quashing the criminal proceedings against the Applicant in her affidavit (X-2). They rely on paragraphs 2 to 8 of the affidavit (X-2), which are reproduced below verbatim.

2. I say that that I have amicably resolved the dispute with the Petitioner and have decided to put an end to the case that I had registered against the Petitioner on my own free will and volition.

3. I say that the subject F.I.R. is a result of misunderstandings, and minor disagreements with the Petitioner.

4. I further say that we have resolved our differences and look forward to live our lives independently and happily.

5. I say that the continuation of the criminal proceedings against the Petitioner will be an impediment to our independent lives after having mutually arrived at an amicable settlement.

6. I say that I hereby give my unequivocal consent for the quashing of the F.I.R and the resultant proceedings as more particularly mentioned hereinabove.

7. I say that the consent for the same is without any force, coercion or misrepresentation.

8. I am filing the instant affidavit to bring on record my consent as mentioned hereinabove.

8. Mr. Sukanta Karmakar, learned APP for the Respondent/State, submits that based on the statements made by the learned Advocates for the Applicant and Respondent No.2, along with Affidavit (X-2) filed by Respondent No.2, he does not oppose the quashing of the impugned FIR and the charge sheet. However, he emphasises that the Applicant and Respondent No. 2 cannot manipulate the police machinery at will and urges the imposition of exemplary costs on both.

9. The Hon'ble Supreme Court in the case of Madhukar Vs. State of Maharashtra¹, in paragraph 6, regarding amicable settlement concerning the allegations of an offence under Section 376 of the Indian Penal Code, made the following observations:-

"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.

10. Considering Respondent No. 2's clear stance on not wanting to continue the case and her wish to end it, along with her statement that she does not intend to marry the

¹ 2025 SCC OnLine SC 1415

Applicant, indicates that the foundation of the complaint, in which she alleged a promise to marry the Applicant, would collapse. Read together with her statements in Affidavit (X-2), where she has expressed no objection to quashing the criminal proceedings, and noting that the matter has been amicably settled between the Petitioner and Respondent No. 2, there is no purpose in continuing them. In light of the rulings 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, there is no impediment to granting the present application, especially considering the statements made by Respondent No. 2 herself in her Affidavit (X-2).

11. Mr. Veerdhawal Deshmukh and Mr. Dnyanesh Bhatkhande, on instructions, submit that the Applicant and Respondent No.2 shall deposit the appropriate costs.

12. In view of the above, this Application is allowed in terms of prayer clause (a), subject to the payment of Rs. 50000/- each by the Applicant and Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the Charge sheet arising from it are quashed.

13. The Applicant shall deposit Rs. 50000/- and Respondent No.2 shall deposit Rs. 50000/- in the account mentioned below within two weeks from today, and file in the Registry of

² 2012 10 SCC 303

³ 2014 6 SCC 466

this Court the compliance affidavit along with proof of deposit on or before 02 April 2026.

Account Name : Armed Forces Battle Casualties
Welfare Fund

Account Number : 90552010165915

Bank Name : Canara Bank

Branch : South Block, Defence Headquarters New
Delhi-110011

IFSC Code : CNRB0019055

14. The Criminal Application No.368 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)