

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

CRIMINAL APPLICATION NO. 402 OF 2026

Nitin Ramesh Mehta

...Applicant

Versus.

The State of Maharashtra & Anr.

...Respondents

Mr. Rohan R. Sonawane a/w Mr. Krutik Veera, learned Advocate for the Applicant.

Applicant is appearing through VC.

Mrs. Poonam P. Bhosale, learned A.P.P. for the State/Respondent.

Mr. Tejas Vijaykumar Dhotre, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

PSI Mr. Amarsihn Deshmukh attached to Sahar Police Station, Mumbai is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th MARCH 2026.

P.C. :

1. Heard Mr. Rohan Sonawane, learned Advocate for the Applicant, Mrs. Poonam Bhosale, learned A.P.P. for the State/Respondent and Mr. Tejas Dhotre, learned Advocate for Respondent No. 2.

2. This Criminal Application is filed by the Applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the First Information Report bearing No. 261 of 2021 dated 16.06.2021, registered with Sahar Police Station, Mumbai, for offences punishable under Sections 376 and 417 of

the Indian Penal Code, 1860 (“Impugned FIR”) and the charge sheet bearing C.C. No. 6302725/PW/2021, which is registered as Sessions Case No. 758 of 2021 pending before the Sessions Court, 18th Court, Dindoshi Division, Mumbai, arising out of the impugned FIR.

3. The impugned FIR was registered on 16.06.2021, based on a complaint dated 02.06.2021 lodged by Respondent No. 2. The impugned FIR indicates that the Applicant and Respondent No. 2, who were married, developed a friendship and later entered a physical relationship. This relationship lasted from November 2020 to March 2021.

4. Mr. Rohan Sonawane and Mr. Tejas Dhotre submit that the Applicant and Respondent No. 2, during the period of the alleged offence, from November 2020 to March 2021, were married to their respective spouses. They state that the Applicant and Respondent No. 2, both adults, entered a consensual relationship. They submit that it was solely a misunderstanding between the Applicant and Respondent No. 2 that led Respondent No. 2 to file the complaint. Furthermore, they submit that the Applicant and Respondent No. 2, after realising their mistake, have resolved their misunderstanding, settled the matter amicably, and intend to lead a peaceful life.

5. Mr. Tejas Dhotre states that Respondent No. 2, having resolved the dispute, has no objection to the quashing of the impugned FIR and the charge-sheet arising out of it, filed by her against the Applicant. He states that Respondent No. 2 has filed an

Affidavit dated 25.02.2026, affirmed before the Notary Advocate Mr. S. N. Dhange, Fort, Mumbai, which is placed on record at Page Nos. 108 to 111 of the paper-book. He refers to paragraph nos. 1 & 3 to 10 of his Affidavit (X-2), which read as follows :-

“1) I say that FIR No. 261 of 2021 dated 16.04.2021 came to be registered with Sahar Police Station, Mumbai, for offences punishable under Sections 376 and 417 of the Indian Penal Code, 1860. Upon completion of the investigation, the Investigating Officer has filed a Final Report/Charge-sheet, and Sessions Case No. 758 of 2021 arising out of the said FIR is presently pending before the Learned Bombay City Civil and Sessions Court at Dindoshi, Mumbai.

3) I state that I am well acquainted with the facts and circumstances of the case and am competent to swear and affirm this Affidavit.

4) I state that I desire to move forward peacefully in life and do not wish to continue with the criminal proceedings, which would reopen past emotional issues and disturb my presently settled life. The continuation of the proceedings would cause serious prejudice to my social and mental stability.

5) I state that the incident in question arose in the backdrop of emotional involvement between the Applicant and myself. The relationship was personal and consensual in nature. The complaint came to be lodged due to subsequent misunderstandings and breakdown of communication between us. I say that the allegations in the impugned FIR arise out of a personal relationship between consenting adults who were in communication over a period of time.

6) I further state that the disputes between myself and the Applicant have been amicably and fully settled. I have voluntarily, consciously, and without any coercion, undue influence, or pressure, decided not to pursue the criminal

prosecution against the Applicant.

7) I hereby state that I do not wish to prosecute or pursue the impugned FIR any further and do not desire to press the allegations levelled against the Applicant. I have no objection for quashing of the FIR No. 261 of 2021 dated 16.04.2021 registered with Sahar Police Station, Mumbai, along with the Charge-sheet and the consequential proceedings in Sessions Case No. 758 of 2021 pending before the Learned Bombay City Civil and Sessions Court at Dindoshi, Mumbai.

8) I hereby grant unconditional consent for quashing of FIR No. 261 of 2021 dated 16.04.2021 registered with Sahar Police Station, Mumbai, along with the Charge-sheet and the consequential proceedings in Sessions Case No. 758 of 2021 pending before the Learned Bombay City Civil and Sessions Court at Dindoshi, Mumbai, are quashed and set aside. I further state that I shall not make any claims, allegations and complaints against the Applicant in relation to the incident involved in FIR No. 261/2021 dated 16.04.2021 registered with Sahar Police Station, Mumbai, any time in future. I further undertake that I shall not directly or indirectly establish contact with or communicate with the Applicant in future.

9) I further state that I unconditionally withdraw all the allegations, statements and averments made against the Applicant in FIR No. 261 of 2021 dated 16.04.2021 registered with Sahar Police Station, Mumbai and further confirm that I have no further, grievance whatsoever against the Applicant.

10) I state that the dispute between myself and the Applicant has been amicably settled and resolved. I do not wish to proceed with or prosecute the Applicant in connection with the aforesaid FIR and the proceedings arising therefrom.

6. Mr. Rohan Sonawane and Mr. Tejas Dhotre state that the Applicant and Respondent no. 2 have already endured significant

pain as a result of the criminal proceedings. They therefore request that these proceedings be quashed and not continued in view of the settlement.

7. Ms. Poonam Bhosale, learned A.P.P. for the State, submits that the allegations in the impugned FIR and the charge-sheet reveal that a consensual relationship was transformed into a criminal matter due to a dispute between the parties. She states that, in light of No Objection given by Respondent No. 2 for quashing the criminal proceedings, along with her statements in her Affidavit, she has no objection to quashing the impugned FIR and the criminal proceedings arising from it. However, she insists on imposing exemplary costs on the parties for involving the police machinery.

8. Applicant appears through Video Conference. Advocate Mr. Rohan Sonawane identifies the Applicant and tenders a photostat copy of his Aadhaar Card as proof of identity, which is taken on record and marked as “X” for identification.

9. Respondent No. 2 is present in the Court with her Advocate, Mr. Tejas Dhotre. Mr. Tejas Dhotre identifies Respondent No. 2 and submits a photocopy of her Aadhar Card as her photo ID, which is taken on record and marked as “X-1” for identification. Respondent No. 2 states that the Affidavit dated 25.02.2026, on pages 108 to 111 of the paper-book, has been filed by her voluntarily and without any pressure, force, or coercion from anyone. She states that the contents of the Affidavit are true to her knowledge. Affidavit dated 25.02.2026 is marked as “X-2” for

identification.

10. The Hon'ble Supreme Court in the case of ***Madhukar & Ors. v/s. The State of Maharashtra & Anr.***¹ in paragraph nos. 5 to 7 has observed as follows :-

“5. It is brought to our attention that both parties have categorically taken the stand before this Court that they have resolved their disputes amicably and are desirous of moving on with their lives. The complainant in the 2nd FIR, now married and residing with her husband, has expressed that continuation of the prosecution would cause further disruption in her personal life and that she has no wish to support the charges or pursue the matter any further.

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.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she

1. SLP (Cri.) No. 7212 of 2025.

does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.”

11. 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.

12. Considering the above facts, the submissions of the learned Advocates, the nature of allegation in the impugned FIR, status of the Applicant & Respondent No. 2 during the period from November 2020 to March 2021, the dispute having been amicably settled between the Applicant and Respondent No. 2, Respondent No. 2 intending to settle in life and the statements made on oath by Respondent No. 2 in the Affidavit (X-2) wherein Respondent No. 2 has *inter-alia* stated that her relation with the Applicant being consensual in nature, she having given No Objection for quashing of the criminal proceedings, no useful purpose will be served by

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

allowing the criminal prosecution to continue. It would only cause prolonged distress for all concerned, especially Respondent No. 2. Having regard to the pronouncements of the Hon'ble Supreme Court in the cases of *Gian Singh v/s. The State of Punjab and Another*³, *Narinder Singh and Others v/s. State of Punjab and Another*⁴ and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. In State of Gujarat and Anr.*⁵, there is no impediment to allowing this Criminal Application.

13. Therefore, in the peculiar facts and circumstances of this case, to secure ends of justice, this Criminal Application is allowed in terms of prayer clauses (a) and (b), with the condition that the Applicant and Respondent No. 2 to pay Rs. 25,000/- each as costs. Payment of cost is a condition precedent. Consequently, the impugned FIR and the charge-sheet registered as Sessions Case No. 758 of 2021 pending before the Sessions Court, 18th Court, Dindoshi Division, Mumbai, arising out of the impugned FIR, are quashed.

14. Mr. Rohan Sonawane, learned Advocate for the Applicant, on instructions from the Applicant, and Mr. Tejas Dhotre, learned Advocate for Respondent No. 2, on instructions from Respondent No. 2, who is present in Court, state that costs will be paid within 3 weeks.

15. Applicant shall deposit the cost of Rs. 25,000/- in the following account within a period of 3 weeks from today and furnish proof of deposit before the Registry of this Court by filing

3. (2012)10 Supreme Court Cases 303.

4. (2014)6 Supreme Court Cases 466.

5. (2017) 9 SCC 641.

an Affidavit of compliance on or before 02.04.2026 :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

16. Respondent No. 2 shall deposit the cost of Rs. 25,000/- in the following account within a period of 3 weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 02.04.2026 :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

17. Criminal Application No. 402 of 2026 is disposed of.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2026.03.16
21:04:00 +0530