

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

CRIMINAL APPLICATION (APL) NO. 909 OF 2026

Rajratan Sadashiv Wayval

.... Applicant

Vs.

The State of Maharashtra and anr.

.... Respondents

Mr. Samay Pawar a/w. Mr. Satyavrat Joshi for the Applicant.

Mr. S.S. Ghag, APP for Respondent No.1 – State.

Ms. Vilasini B. for Respondent No.2.

CORAM : SHYAM C. CHANDAK, J.

DATED : 09th JUNE, 2026

P.C. :-

1) Present Application seeking quashing and setting aside of an FIR bearing C.R.No.10/2025 registered with Arnala Police Station, Mira-Bhayander, for the offence punishable under Section 64(2)(m) of Bharatiya Nyaya Sanhita (BNS), 2023 and the consequent proceedings S.C.No. 456 of 2025 pending on the file of the Sessions Court, Vasai, with consent of Respondent No.2 on whose report said FIR was registered.

2) The FIR narrates that the parents of victim used to shout at her and beat her. Her siblings used to quarrel with her. On 21.01.2025, the victim's father beat her as she had refused to prepare coffee for him. Consequently, she got angry. She then collected her wages from her employer namely Sonu Gupta. Afterwards, she went to Waliv police station and complained against her father. She then went to Nalasopara railway station by rickshaw. There, she told the Applicant, an auto-driver, that she wanted to commit suicide. However, the Applicant persuaded her to accompany him to sea at Vasai. They reached there at around 9:00 p.m. at night. The Applicant demanded for her identity proof to book a hotel, but, she did not give it. The

hotel owner refused to provide a room for want of her identity proof. The two then sat at the beach. There, the Applicant consumed beer. The Applicant then inquired with her about her parents and asked her for marriage. She denied him saying that she was only 20 years old. Thereafter, the Applicant removed the clothes on her person and twice, he committed forcible sexual intercourse with her.

At about 4:00 a.m. of 22.01.2025, the Applicant took her to Vasai Station and abandoned her. At 5:00 a.m. she left for Nalasopara by train. She spent the whole day outside Nalasopara Railway Station. She was having pain in her stomach and she also vomited. At around 12:00 a.m. she left for Goregaon and reached there at around 1:00 a.m. Further, she herself injured her genital fearing that her parents would beat her if they come to know about the rape. She then disclosed about the incident to an unknown who called the police station. Lastly, she filed the report and hence, said FIR came to be registered against the Applicant. On completion of investigation, police submitted the charge-sheet.

3) Mr. Pawar, learned counsel for the Applicant and Ms. Vilasini B., the learned appointed counsel for Respondent No.2 have submitted that after filing of charge-sheet, the Applicant and Respondent No.2 have settled their dispute outside the Court. Now, Respondent No.2 got married. She is pregnant. She does not want to proceed further with the case arising out the impugned FIR and prosecute the Applicant. Therefore, Respondent No.2 has no objection to quash the FIR and the consequent criminal case. Ms. Vilasini B. tendered an Affidavit duly signed and affirmed by Respondent No.2. The relevant part of the Affidavit reads :-

“ 3. I say that I am now married and I do not intend to prosecute the case any further since the relationship between the Applicant and me was consensual.

4. I say that I have been diagnosed with schizophrenia and have been undergoing treatment for the same. I say that my

symptoms are under control. I say that I am giving my consent to quash the present First Information Report and the Chargesheet. At the time of signing the present Affidavit, I say that I have the cognitive capacity to understand the contents of this Affidavit. I say that I understand the contents of the present Affidavit and the same has been explained to me in Hindi and I have no objection if this Hon'ble Court allows the prayers sought for in the present Writ Petition.

5. I further say that I have not been forced, coerced or threatened in any manner either by the Petitioner and/or any of his associates, family members and/or any of my family members. I am granting the present No Objection out of my own free will and volition. I say that I have signed the present Affidavit without any duress.

6. I say that the present F.I.R. came to be lodged out of a misunderstanding and that the parties have amicably resolved their disputes.

7. I say that the contents of the Affidavit have been explained to me in a language that I understand i.e. Hindi. I say that I am educated up till 5th standard and that I am in a position to sign the present Affidavit. ”

3.1) Respondent No.2 is present before the Court. She has been identified by Ms. Vilasini B. Respondent No.2 has reiterated the contents of her Affidavit. She has expressed that continuation of the prosecution would cause disruption in her personal life and that she has no wish to support the charges or pursue the matter any further. She states that, presently, she is neither undergoing any treatment nor on any medication for the complaint of schizophrenia. She states that the Affidavit has been signed and affirmed by her own free will and she was not forced or threatened to sign the same. The Affidavit mentions that ANNEXURE-2 is the copy of the marriage photograph and ANNEXURE-3 is the copy of the doctor's certificate certifying the mental health of Respondent No.2.

4) The offence under Section 64(2)(m) B.N.S. is undoubtedly of a grave and heinous nature. It is trite that, 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 528 of BNSS, 2023 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.

5) Considering the narration in the FIR, the delay by Respondent No.2 in filing the FIR and the submissions made by the learned Counsel for the respective parties, it appears that, the relationship between Respondent No.2 and the Applicant was consensual. 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. Therefore, Respondent No.2 does not wish to prosecute the Applicant. Respondent No.2 in her Affidavit has stated that the FIR came to be lodged out of misunderstanding between the parties. Therefore, even in Bail Application filed by the Applicant, Respondent No.2 gave her no objection and it led to his release on bail. Now, Respondent No.2 is married and pregnant. She was earlier diagnosed with chronic schizophrenia. At present she has no symptoms.

6) In the wake of above, I am of the view that continuation of the impugned FIR and the consequent proceedings would be detrimental to the interest of Respondent No.2. Therefore, I am inclined to allow the Application in the interest of Respondent No.2. Hence, following Order :-

- (a) The Application is allowed in the interest of justice.
- (b) The impugned FIR bearing C.R.No.10 of 2025 registered with Arnala Police Station, Mira-Bhayander, Vasai-

Virar for the offences punishable under Sections 64(2)(m) of Bharatiya Nyaya Sanhita (BNS), 2023 and the consequent proceedings i.e., Criminal Case bearing SC/456/2025 pending on the file of Sessions Court, Vasai, are quashed and set-aside.

7) Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

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