



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 605 OF 2024

APPLICANT :- Ravindra Kumar Surushe,
Aged about 29 years, Occu: Labour,
R/o Chichamba, Tah. Risod,
Dist. Washim.

..VERSUS..

NON-
APPLICANTS :- 1) The State of Maharashtra,
Through P.S.O. PS
P.S. Malegaon, District Washim.
2) XYZ (Major Victim) PS Malegaon,
District Washim. Crime No. 818 of
2023.

Mr. Shoeb Khan, counsel with Mr. M.N. Ali, counsel for applicant.
Mr. A.M. Ghogre, APP for non-applicant No.1/State.
Mr. Sameer S.Das, counsel for non-applicant No.2.

CORAM : **PRAVIN S. PATIL, J.**

DATE : **03/02/2026**

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of Mr. Shoeb Khan, counsel holding for Mr. M.N.Ali, learned counsel for applicant, Mr. A.M.Ghogre, learned APP for non-applicant No.1/State and Mr. Sameer S. Das, learned counsel for non-applicant No.2, the application is taken up for final hearing at the stage of admission.

2. By this application, the applicant seeks quashment of the First

Information Report registered vide Crime No. 818 of 2023, Chargesheet bearing No. 04 of 2024, and Sessions Trial No. 9 of 2024, for the offence punishable under Sections 376, 366, and 506 of Indian Penal Code, 1860.

3. The present applicant has approached this Court on the sole ground that offence which was registered against him on the complaint of respondent no.2 does not attract the provisions of Sections 376, 366, and 506 of the Indian Penal Code, 1860. It is contended that the relations between applicant and the complainant were of consensual in nature, and the complainant being a matured woman, all allegations levelled against him are with an oblique motive. Hence, the applicants seeks indulgence of this Court in the matter.

4. In short, the case of the prosecution is that the complainant, who is married woman, lodged a complaint in the year 2023 alleging that she came in contact with applicant through social media. Thereafter, out of their love relation, applicant has given her promise that he will perform marriage with her, and on that false promise, she went with him at various places and established sexual relations. However, after a period of two years of such relationship, the present applicant refused to marry with present complainant and therefore, the complaint came to be lodged against him, and accordingly the offence is registered in the matter.

5. From perusal of this complaint and other material on record, it is clear that complainant was married wife of one Pravin Sudam Homkar. The said marriage was solemnized in the year 2021. As such, she could understand the moral and immoral act and the consequences of such relationship, which she had maintained with the applicant. Therefore, it cannot be said that on the ground of false promise of marriage, the applicant has exploited her and established physical relations with her.

Prima-facie, it is clear that only because of consent of the present complainant, the sexual relations were established between them, and therefore, it cannot be said that, there was any false promise was given by the applicant to the complainant.

6. In this regard, the Hon'ble Supreme court of India, in the case of *Pramod Suryabhan Pawar Vs State of Maharashtra reported in 2019(9) SCC 608* has specifically observed and discussed what is the false promise, breach of promise and consensual relationship. After considering the issue in detail, the Hon'ble Supreme Court of India summarized the legal position in paragraph-18 of the judgment, which reads as under:-

“18. To summarise the legal position that emerges from the above cases, the “consent” of a woman with respect to Section 375 must involve an active and reasoned deliberation towards the proposed act. To establish whether the “consent” was vitiated by a “misconception of fact” arising out of a promise to marry, two propositions must be established. The promise of marriage must have been a false promise, given in bad faith and with no intention of being adhered to at the time it was given. The false promise itself must be of immediate relevance, or bear a direct nexus to the woman's decision to engage in the sexual act.”

7. In the present case, in my considered opinion, it is case of a consensual relations between the applicant and respondent No.2. The allegations which are made are seems to be with an oblique motive against the present applicant. Therefore, no offence is made out under Sections 376, 366 and 506 of the Indian Penal Code, 1860. Hence, for the aforesaid reasons, I proceed to pass the following order:

ORDER

a] The criminal application is **allowed**.

b] The proceedings bearing Sessions Trial No. 09/2024

pending before the before the District Judge-1 and Additional Sessions Judge, Washim, along with Chargesheet No.09 of 2024 in Crime No. 818 of 2023 for the offence punishable under Sections 376, 366 and 506 of the Indian Penal Code, 1860, is hereby quashed and set aside.

c] All pending applications stand disposed of.

8. Rule is made absolute in the aforesaid terms. No orders as to costs.

(PRAVIN S. PATIL, J)