



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

CRIMINAL APPLICATION NO.823 OF 2024

APPLICANT : Anmol s/o Prabhakar Palkar, Aged about 38 years, Occu: Agriculturist, R/o Kingaon Jattu, Tah. Lonar, Dist. Buldhana

...VERSUS...

NON-APPLICANTS 1. State of Maharashtra, through PSO, Police Station, Bibi, Tah. Lonar, District Buldhana

2. XYZ in Crime No.15/2024 registered with PS, Bibi, Tah. Lonar, Dist. Buldhana

Mr. Purushottam Patil, Advocate for Applicant
Mr. A.M. Ghogare, APP for Non-applicant No.1/State.

CORAM : PRAVIN S. PATIL, J.
DATE : 22/01/2026

ORAL JUDGMENT :

1. **Heard. RULE.** Rule made returnable forthwith. By consent Mr. Purushottam Patil, learned counsel for the applicant and Mr. A.M. Ghogare, learned APP for non-applicant No.1/State, the application is taken up for final hearing at the stage of admission.

2. By this application, the applicant is seeking quashment of proceedings registered as Atrocities Special Case No.117/2024 pending

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on the file of learned 2nd District and Additional Sessions Judge, Mehkar arising out of Crime No.15/2024, for the offence punishable under Section 376(2)(n), 506 of the Indian Penal Code, 1860 (for short “IPC”) read with Section 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (for short “Atrocities Act”).

3. The applicant has invoked the powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 on the ground that the complaint lodged by non-applicant No.2 does not make out any case as alleged in the complaint, so also does not satisfy the ingredients of Section 376(2)(n) as well as the provisions of the Atrocities Act and therefore, the applicant seeks indulgence of this Court.

4. In short, the case of the prosecution is that non-applicant No.2 is a widow having an 11 years old child. The non-applicant No.2 came into contact with the applicant and they were in talking terms. The non-applicant No.2 being a widow, the applicant has assured her that he will arrange a job for her livelihood and also help her to avail benefits of various Government Schemes. As such, in view of this

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assurance, the applicant had allegedly established sexual relations with her.

5. It is further alleged that the applicant took her photographs and threatened to make them viral, if she avoids sexual relations with him. Accordingly, from period 2019 to 2024, under the threat as well as promise, sexual relations between them was continued. It is further alleged that on 31.01.2024, the applicant entered her house along with a pistol and forcibly committed sexual intercourse and therefore, she had lodged the complaint against the present applicant and offence came to be registered.

6. The applicant has pointed out that non-applicant No.2 is admittedly a widow having an 11 year old child and as such, she is a mature women to understand the consequences of the moral and immoral acts for which she consented. Such women could not be said to have acted under false promise given by applicant or under misconception of fact while giving consent to have sexual relationship with applicant.

7. It is further stated by the learned counsel for applicant that he belongs to a middle class family and has no source to give assurance to the non-applicant No.2 that he will provide her job or secure the benefits of any Government Scheme. Therefore, according to the applicant, all the allegations made by the non-applicant No.2 are false, bogus and concocted. To substantiate his submissions, the applicant has placed on record the Whatsapp chats and certain photographs to demonstrate that the relationship between them was consensual in nature. It is never happened that the applicant has forcibly committed sexual relation with non-applicant No.2.

8. It is also pertinent to note that, from the complaint itself, it is clear that the allegations levelled against the present applicant do not prima-facie show any false promise given by him. It is pertinent to note that their relations were continued for a period of more than five years that itself suggests, the same was consensual in nature. It is pertinent to note that as per the settled principles of law, if both the persons are in relationship for such a long period, then in such circumstances, it cannot be said that relationship were under any compulsion or any force.

9. According to the law laid down by the Hon'ble Supreme Court in case of (i) *Pramod Suryabhan Pawar Vs. State of Maharashtra and anr.* reported in *2019 ALL M.R.(Cri.) 3949 (S.C.)*, (ii) *Mahesh Damu Khare Vs. State of Maharashtra and anr. reported in (2024) 11 SCC 398* and (iii) *Prashan Vs. State of NCT of Delhi reported in (2025) 5 SCC 764*, wherein the Hon'ble Supreme Court of India has specifically held that if there are relations between the parties for a longer period of time, as mentioned in this matter, then in such case, it could not be concluded that under the false promise, the relations were existing. Rather same needs to be concluded as consensual relations.

10. In respect of offence under the Atrocity Act, only general allegations are made against the present applicant. In the present matter, as this Court held that, non-applicant No.2 on her free will/ consent entered into physical relations with the applicant and during their long relations no force or compulsion is seen, in my opinion, the offences under Section 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Atrocities Act, are also not made out against the present applicant. Therefore, I proceed to pass the following order :-

ORDER

- i. The Criminal Application is **allowed**.
 - ii. The proceedings bearing Charge-sheet No.10/2024 dated 30.03.2024 and the proceedings initiated bearing Atrocities Special Case No.117/2024 pending before the learned 2nd District and Additional Sessions Judge, Mehkar for the offence punishable under Sections 376(2)(n), 506 of the Indian Penal Code, 1860 and under Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Caste & Schedule Tribe (Prevention of Atrocities) Act, 1989 registered with Police Station Bibi, Tah. Lonar, Dist. Buldhana, vide Crime No.15/2024 on 01.02.2024 are hereby quashed and set aside against the present applicant.
11. The application stands **disposed of**. No order as to costs.

(PRAVIN S. PATIL, J.)

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