



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

**CRIMINAL APPLICATION [APL] NO.1711 OF 2024**

Vinod Ashok Mauje,  
Aged about 38,  
Occupation-Service,  
R/o. Plot No.77, Kirtidhar  
Society, Wathoda Ring Road,  
Bhandewadi, Bagadganj,  
Nagpur-440008. .. Applicant

..Versus..

1. State of Maharashtra,  
through Police Station Officer,  
Police Station, Belatrodi,  
Nagpur.
2. XYZ in Crime No.588/2024,  
Police Station, Belatrodi,  
Nagpur. .. Non-Applicants

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Shri Ashok P. Raghute, Advocate a/w Shri Abhishek C.  
Singhavi, Advocate for Applicant.

Shri A.M. Ghogare, A.P.P. for Non-Applicant No.1/State.

Ms. Aditi M. Mujumdar, Advocate for Non-Applicant No.2.

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**CORAM : PRAVIN S. PATIL, J.**  
**DATED : 25.02.2026.**

**JUDGMENT**

1.       **Rule.** Rule is made returnable forthwith. Heard the matter finally with the consent of the learned counsel for the parties.

2.       By this application, the applicant is praying to quash and set aside the Chargesheet No.4569/2024, dated 27.12.2024 for the offence punishable under Section 64 (2) (m) and 69 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and consequential proceedings registered thereof.

3.       It is the case of the present applicant that the applicant is wrongly implicated in the matter. According to him, there were consensual relations between the applicant and non-applicant no.2 and same is apparent from the complaint itself in the matter. Hence, the applicant seeks indulgence of this court to quash and set aside the criminal proceeding registered against him in the matter.

4.       The learned Additional Public Prosecutor for non-applicant no.1/State and learned counsel for non-applicant no.2 strongly opposed the present application. According to them,

the applicant has suppressed certain facts from the non-applicant no.2 and under the pretext of promise of marriage has established the sexual relations with the non-applicant no.2. Hence, the offence is prima facie made out in the matter and, therefore, there is no indulgence of this court in the matter.

5. In the light of the submission of the parties, I have perused the complaint lodged by the non-applicant no.2 against the applicant in the matter. It is clear that at the time of lodging the complaint, the non-applicant no.2 was 30 years of age. She was qualified as M.Sc and working woman as a software developer. According to her, in the year 2022, she got acquainted with the present applicant. After that, they were in love affair for two to three months. During this period, she realized that the applicant is suppressing some facts from her. Therefore, she insisted the applicant to clarify everything about his life. The applicant accordingly clarified that he is a married person. Despite this fact came to her knowledge, she has kept to continue the relations with the present applicant.

6. It is alleged by non-applicant no.2 that first time on 17.6.2024, she was called at his rented room at Manish Nagar. She went there and first time physical relations were established between them. Thereafter same was continued for considerable period. After that when she got knowledge that the applicant is having good relations with his wife and also having one daughter, she was surprised and, therefore, the present complaint came to be lodged against the present applicant in the matter.

7. In this regard, it will be relevant to refer the judgment of Hon'ble Supreme Court of India in the case of ***Prashant .vs. State of NCT of Delhi***, reported in ***(2025) 5 SCC 764***, wherein the Hon'ble Supreme Court has observed in Para 19 as under :

*19. In our view, taking the allegations in the FIR and the charge- sheet as they stand, the crucial ingredients of the offence Under Section 376(2)(n) Indian Penal Code are absent. A review of the FIR and the complainant's statement Under Section 164 Code of Criminal Procedure discloses no indication that any promise of marriage was extended at the outset of their relationship in 2017. Therefore, even if the prosecution's case is accepted at its face value, it cannot be concluded that the complainant engaged in a sexual relationship with the Appellant solely on account of any assurance of marriage from the Appellant. The relationship between the parties was cordial and also*

*consensual in nature. A mere breakup of a relationship between a consenting couple cannot result in initiation of criminal proceedings. What was a consensual relationship between the parties at the initial stages cannot be given a colour of criminality when the said relationship does not fructify into a marital relationship. Further, both parties are now married to someone else and have moved on in their respective lives. Thus, in our view, the continuation of the prosecution in the present case would amount to a gross abuse of the process of law. Therefore, no purpose would be served by continuing the prosecution”*

8. It is further pertinent to note that the Hon’ble Supreme Court in the case of ***Pramod Suryabhan Pawar .vs. State of Maharashtra and another***, reported in ***(2019) 9 SCC 608***, has discussed as to how the court should infer and consider the cases of promise of marriage, consensual relationship and breach of promise of marriage. Accordingly, the Hon’ble Supreme Court summarized all these legal position in Para 18 of the Judgment :

*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."*

9. As such, from the law laid down by the Hon'ble Supreme Court, it is time and again clarified that if the complainant is a matured lady and she is willingly kept relations with the accused, then the accused cannot be punished. So also if the love relations were existing and same were break down, it cannot be given the colour of criminal offence.

10. In the present case, from the complaint of the applicant, it is clear that she being a matured lady, has firstly clarified from the applicant, whether he is a married or unmarried. When the applicant has clearly stated to her that he is a married person, despite this fact, she has continued the relations with the present applicant. Not only this, she went to his rented room as and when she was called by the present applicant. Hence, it cannot be said that there was any force or any promise was given by the applicant, rather it can be said that their relations were consensual in nature and same were

continued for a period of two years.

11. In the circumstances, I am of the opinion, continuing the proceeding against the present applicant would nothing but abuse of process of law. Hence, the indulgence of this court is necessary. Accordingly, I proceed to pass the following order :

O R D E R

(1) The application is allowed.

(2) The Chargesheet No.4569/2024, dated 27.12.2024 for the offence punishable under Section 64 (2)(m) and 69 of the Bharatiya Nyaya Sanhita, 2023 (BNS) arising out of FIR No.588/2024 dated 28.10.2024 is hereby quashed and set aside. So also the consequential proceedings registered on the basis of chargesheet are hereby quashed and set aside.

(3) Rule is made absolute in above terms. No costs.

**(Pravin S. Patil, J.)**