



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

CRIMINAL APPLICATION (APL) NO. 1211 OF 2025

1. **Vinod Ramkrushna Chokhandre**
Aged about 58 years,
Occupation : Government Service,
R/o Plot No.28, Koradi Road, Near
Ramnath City, Durga Nagar,
Bokhara Godhani Tah and
Dist. Nagpur

APPLICANT

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Koradi, Police Station Koradi,
Nagpur
2. **XYZ**
(Victim in Crime Bearing No.
198/2025 at Police Station Koradi
Tah. and District Nagpur)

NON-APPLICANTS

Mr. Anirudh Ananthakrishnan, Advocate for the applicant.
Mr. A.M. Joshi, APP for non-applicant No.1 /State.
Mr.Y.P Bage, Advocate (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 29.01.2026

ORAL JUDGMENT :

1. Heard.

2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.

3. The present application is preferred by the applicant for quashing of the First Information Report in connection with crime No.198/2025 registered with the non-applicant No.1-Koradi Police Station under Section 69 of the Bharatiya Nyay Sanhita, 2023 and consequent proceeding arising out of the same bearing charge sheet No.75/2025 and Sessions Case No.875/2025 pending on the file of the District and Sessions Judge, Nagpur.

4. The crime is registered on the basis of report lodged by non-applicant No.2 on an allegation that initially she was married with one person by name Rajan and there was dissolution of marriage between both of them in the year 2012. Thereafter she started working as a sweeper and she got acquaintance with the present applicant. Thereafter said acquaintance turned into love affair and she was aware that applicant is married person but he told that he would obtain divorce from his first wife. Thereafter on the promise of marriage on the various occasions he has subjected her for forcible sexual assault. On the basis of the said

report the police have registered crime against the present applicant.

4. Heard learned counsel for the applicant who submitted that from the statement of the victim itself, it reveals that the relationship between both of them is consensual in nature. Therefore, no offence is made out against the present applicant. He submitted that mere breach of promise is not sufficient to attract the offence punishable under Section 376 of the Indian Penal Code. Thus, considering the fact that victim who is 37 years old mother of three children knows the consequences of her act and knowingly entered into relationship with grown up man which is sufficient to show that the act of physical relationship is consensual in nature. In view of that application deserves to be allowed.

6. Per contra, learned APP and learned counsel for the complainant stated that on the promise of the marriage the present applicant has subjected her for forcible sexual assault which is a false promise and therefore, application deserves to be rejected.

7. On hearing both the sides and on perusal of the recitals of the FIR and entire investigation papers it reveals that non-applicant No.2 is a grown up lady of 37 years old having three children married woman she entered into relationship as there was love affair between her and the applicant. She has also obtained the divorce from her husband. She was also aware that the present applicant is a married person. Thus, after understanding everything she entered into this relationship. Thus, it is apparent that the prosecutrix who herself is a married woman having three children could not be said to have acted under alleged false promise of marriage given by the applicant or under the misconception of by giving the consent to have sexual relationship with the present applicant. Undisputedly she continued to have such relationship with the present applicant at least for more than two years. Even accepting the contention of the learned APP and learned counsel for the complainant that consent was obtained under misconception of fact but misconception of fact has to be in proximity of time to the occurrence and cannot be spread over a period of two years.

8. Thus, it is apparent from the facts and circumstances of the case that non-applicant No.2 is grown up lady of having three children entered into the relationship after knowing the consequences of her act and continued to have relationship with the present applicant by no stretch of imagination it can be said that her consent was consensual. Therefore, no offence is made out against the present applicant. In view of that the applications deserve to be allowed.

8. Hence, I proceed to pass the following order:-

ORDER

- (i) The Criminal Application is allowed.
- (ii) The First Information Report in connection with crime No.198/2025 registered with the non-applicant No.1- Koradi Police Station under Section 69 of the Bharatiya Nyay Sanhita, 2023 and consequent proceeding arising out of the same bearing charge sheet No.75/2025 and Sessions Case No.875/2025 pending on the files of the District and Sessions Judge, Nagpur is quashed and set aside against applicant- Vinod Ramkrushna Chokhandre.

9. The fees of the appointed counsel be quantified as per Rules.

10. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

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