



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

CRIMINAL APPLICATION (APL) NO. 1608 OF 2025

1. **Goutam Tukaram Sartape**
Aged about 40 years,
Occupation : Electrician, R/o Ho.
No.553/E/85, R.P.T.S. Road, Laxmi
Nagar, Zopadpatti, Nagpur,
Dist. Nagpur Maharashtra-440022
- APPLICANT**

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Bajajnagar, Nagpur
- NON-APPLICANTS**
2. **Bharathi Suresh Raut**
Aged about 35 years, Occ.
Tailor R/o W/o Suresh Raut,
Plot No.553, E/B/Laxmi Nagar,
Near Water Taki, Shankar Nagar,
Shankar Nagar, Nagpur

Ms Kadambini Meshram, Advocate for the applicant.
Mr. A.M. Kadukar, APP for non-applicant No.1 /State.
Ms Alfa Singh, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 07.03.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.
3. By this application applicant is seeking to exercise inherent powers under Section 528 of Bharatiya Nagrik Suraksha Sanhita and praying for quashing of the First Information Report in connection with crime No.113/2023 registered at Police Station Bajaj Nagar District Nagpur City for the offences punishable under Sections 354, 354-D, 294 and 506 of the Indian Penal Code (for short, 'IPC') and consequent proceeding arising out of the same bearing Charge-sheet No.56/2023 and RCC No.3397/2023 pending before JMFC, Court Nagpur.
4. The crime is registered on the report lodged by non-applicant No.2 on an allegation that her marriage was performed with one person and she is having two daughters from the said wedlock but there was dispute between her and her husband and therefore, she started residing separately at her parents house. She got acquaintance with the present applicant. Then friendship was developed between them and said friendship was turned into love

affair. Out of love affair there was physical relationship between them. She alleged that on 14.04.2023 when she was proceeding towards temple for performing the puja at that time present applicant abused her in a filthy language as well as outraged her modesty. On the basis of the said report police have registered crime against the present applicant.

5. During pendency of this application both the parties arrived at settlement. The settlement terms are filed on record. Applicant as well as non-applicant No.2 both are present before this Court. They agreed the terms and conditions of the settlement.

6. Admittedly the offences alleged against present applicant are non bailable offence. But considering the statement of the non-applicant No.2 it reveals that there was acquaintance between her and present applicant. Physical relationship was also developed between them. Thereafter dispute arose between them. Thus, statement of the victim itself shows there was consensual relationship between them. As far as consensual relationship is concerned, it is settled by the Hon'ble Apex Court in the case of

Pramod Suryabhan Pawar vs The State Of Maharashtra reported in (2019) 9 SCC 608 and by summarising the legal position it is held that 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. Here the allegation is that applicant has outraged the modesty on 14.04.2023. It is apparent that there was a physical relationship which was developed between applicant and non-applicant No.2. Because of some dispute arose between them FIR came to be lodged against the present applicant. Now applicant and non-applicant No.2 have both settled their dispute. Non-applicant No.2 does not want to proceed with the complaint/ application and therefore, she filed an affidavit on record. Considering the nature of relationship between applicant and non-applicant No.2, the application deserves to be allowed.

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

ORDER

- (i) The Criminal Application is allowed.
- (ii) First Information Report in connection with crime No.113/2023 registered at Police Station Bajaj Nagar District Nagpur City for the offences punishable under

Sections 354, 354-D, 294 and 506 of the Indian Penal Code and consequent proceeding arising out of the same bearing Charge-sheet No.56/2023 and RCC No.3397/2023 pending before JMFC, Court Nagpur is quashed and set aside against the applicant-Goutam Tukaram Sartape.

8. 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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