



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

CRIMINAL APPLICATION APL NO.642/2026

Adarsh Kailas Gawai

..VS..

State of Mah., thr.PSO PS Shegaon, District Buldhana and

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri K.H.Anandani, Counsel for the Applicant.
Shri Nikhil Joshi, APP for the State.
Shri B.K.Suchak, Counsel for NA No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 25/03/2026

1. By this application, the applicant is seeking quashing of FIR in connection with Crime No.99/2026 registered with non-applicant No.1 police station for offence under Section 69 of the BNS.

2. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that when she was doing B.Sc. (Nursing), she got acquaintance with the present applicant and friendship was developed between them and it resulted into love affair. On the promise of marriage, the applicant has subjected her for forceful sexual assault. This fact was also known to the family members of the applicant and they have given consent to perform marriage. Subsequently, the applicant has denied to perform the marriage.

On the basis of the said report, the police have registered the crime against the applicant.

3. During the pendency of this application, the applicant and the complainant have arrived at a settlement and the

complainant has filed an affidavit stating that she was in love affair with the present applicant and due to misunderstanding in their relationship, she has lodged the report against the applicant.

She has further stated in the affidavit that she does not want to pursue the FIR and, therefore, she has no objection to quash the FIR.

4. There is no dispute that the offence under Section 69 is a non-compoundable offence.

5. Even on merits, if recital of the FIR is taken into consideration, it reveals that at the relevant time, the complainant has already attained the age of majority. Two young persons who know consequences of their act came together and physical relationship was developed between them out of love affair.

6. Thus, the incident of physical relationship was out of a “consent” and out of love and attraction between both of them.

7. The present application can be allowed by applying the law laid down by the Hon’ble Apex Court in the case of **Gian Singh Vs. State of Punjab and anr, reported in (2002) 10 SCC 303** wherein it is observed that, “where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.

In this regard, a specific reference was made to offences arising out of the matrimony particularly relating to dowry etc. or family dispute where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.”

8. As such, the application is allowed, as per order below:

ORDER

(1) The criminal application is **allowed**.

(2) FIR in connection with Crime No.99/2026 registered with non-applicant No.1 police station for offence under Section 69 of the BNS is hereby quashed and set aside to the extent of present applicant Adarsh Kailas Gawai.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!