



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

CRIMINAL APPLICATION (APL) NO. 314 OF 2026

1. **Sanjay s/o Devidas Raipure**
Aged about 36 years,
Occupation : Private
R/o Flat No.303, Anita Complex,
Guruchaya Society, New Manish
Nagar, Beltarodi, Nagpur
- APPLICANT**

// V E R S U S //

1. **The State of Maharashtra,**
Through its Police Station Officer,
Police Station Beltarodi, Nagpur,
District Nagpur
2. **Rupali Shreeram Mate,**
Aged about 35 years,
Occupation, Private, R/o VTC,
Kodepar, Post Office, Mindhala,
Nagbhir District Chandrapur
441205
- NON-APPLICANTS**

Mr. S.R. Kadam, Advocate for the applicant.
Mr. N.B. Jawade, APP for non-applicant No.1 /State.
Mr. R.M. Khapekar, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 23.03.2026

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 quashing of the First Information Report in connection with crime No.336/2023 registered at Police Station Beltarodi, District Nagpur for the offences punishable under Sections 376(2) (n), 377 of the Indian Penal Code and consequent proceeding arising out of the same bearing Charge-sheet No.120/2023.

4. The crime is registered on the basis of the report lodged by non-applicant No.2 on an allegation that she got acquaintance with the present applicant through jeevansathi.com. And they communicated with each other and thereafter they decided to perform the marriage. It is alleged that on 17.12.2022 the non-applicant no.2 has gone to his house and on the promise of marriage subjected her forcible sexual assault. On the basis of the said report police have registered the crime against the present applicant. After registration of crime Investigating Officer has recorded the statements of the witnesses and after completion of the investigation submitted the charge-sheet against the present applicant. During pendency of this application both parties have

arrived at settlement. She has filed the affidavit in support of her contention and admitted the contents of the settlement terms. She has stated that she does not want to pursue the proceeding against the present applicant and they have amicably settled the dispute and difference.

5. Admittedly the offence punishable under Section 376 (2)(n) is not compoundable offence.

6. Considering the merits of the application admittedly non-applicant No.2 is grown up lady. As per her allegation she got acquaintance with the present applicant through the jeevansathi.com. Thereafter they communicated with each other and they have decided to perform the marriage. On the promise of marriage there was physical relationship developed between them. Thus, even considering the FIR and contents of the FIR it reveals that it was consensual relationship between the applicant and non-applicant No.2. Admittedly the applicant and non-applicant No.2 are the grown up persons entered into the relationship by consent and physical relationship between them is also by consent. Mere breach of promise is not sufficient to attract the

offence punishable under Section 376 (2)(n) of the IPC. Therefore, on merits also the application deserves to be allowed. This aspect is considered by the Hon'ble Apex Court and specially in the light of the decision of the celebrated judgment of *Pramod Suryabhan Pawar vs The State Of Maharashtra and another reported in (2019) 9 SCC 608* wherein after considering the catena of decisions the Hon'ble Apex Court summarising the legal position it is held that 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.

7. The allegation in the present FIR indicates that they got acquaintance with each other. Thereafter they have decided to

perform the marriage and they entered into the physical relationship therefore, it is a case of consensual relationship between two grown up persons. In view of that, application deserves to be allowed.

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

ORDER

(i) The Criminal Application is allowed.

(ii) First Information Report in connection with crime No.336/2023 registered at Police Station Beltarodi, District Nagpur for the offences punishable under Sections 376(2) (n), 377 of the Indian Penal Code and consequent proceeding arising out of the same bearing Charge-sheet No.120/2023 is quashed and set aside against the applicant-

9. 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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