



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

CRIMINAL APPLICATION (APL) NO. 842 OF 2025

[Pradeep Kumar Gupta **vs.** State of Maharashtra through P.S.O., P.S. Sonegaon,
Nagpur and anr.]

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

Court's or Judge's orders

Mr. Sagar Katkar, Advocate for the applicant
Ms. R. V. Sharma, APP for non-applicant no. 1
Ms. A. P. Murrey, Advocate (appointed) for non-applicant no. 2

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED : 15-04-2026.

The application is filed for quashing of First Information Report (FIR) No. 433/2023 for the offences punishable under Sections 376(2)(n), 417 and 313 of the Indian Penal Code (IPC).

2. It is the case of prosecution that the prosecutrix, who is married lady, having two kids, was staying separately from her husband and was doing job at the house of the applicant as a cook and the housemaid and the applicant was paying her Rs. 8,000/- per month. Thereafter, the applicant proposed her and thereafter, they had sexual relations and were staying together with consent. The applicant is also a married person, living separately from his spouse and thus, both of them were living separately from their spouses. Since the year 2018, the applicant and prosecutrix were having sexual relations by consent. She was pregnant out of said relations and foetus was aborted. Thereafter it is alleged that though the applicant gave the promise to marry her, after abortion,



the complaint was lodged against her and when she had lodged complaint against the applicant and also made allegations that he has not paid Rs. 1,8,000/- for her work, crime was registered against the applicant. Anticipatory bail was granted to the applicant and thereafter, the applicant has filed this application.

3. Now, the trial is pending before the Court and the matter is kept for framing charge before the Sessions Court.

4. Learned Additional Public Prosecutor opposed the application by stating that it was under the assurance of marriage, prosecutrix was forced for abortion. Learned counsel for non-applicant no. 2 has also stated that she was compelled to abort child on the assurance of marriage and later on denied to perform marriage.

5. From FIR itself, it appears that the applicant and the non-applicant no. 2 were staying with consent. Both of them are married. They were having physical relations with consent. She has not made any allegation about forcing her to abort child. She became pregnant and aborted the child. Record shows that in hospital, the consent form was filled up by the applicant. The applicant has not denied the relationship. She is claiming the amount as Cook and Maid but she herself has mentioned in FIR that she was staying with the applicant as husband and wife. Therefore, there is no question of paying any salary as claimed by her. It is physical relations between two adult persons, who were staying separately from their



spouses. There was no divorce from earlier marriage of both of them, therefore, there is no question of giving false promise of marriage. As the relations were with consent, the question does not arise of framing the charge for offence punishable under Section 376 of IPC. Hence, the case is made out to quash the FIR against the applicant. The application is accordingly allowed.

6. FIR No. 0433/2023 registered at Police Station, Sonegaon, Nagpur against the applicant for the offences punishable under Sections 376(2)(n), 417 and 313 of the IPC is quashed and set aside.

7. Fees of appointed counsel for non-applicant no. 2 be quantified and paid as per the rules.

8. The application stands disposed of.

JUDGE

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