Redacted by NyayVidhan (FIR alleging a sexual offence against a married woman): the appellant's name (shown as S.D.M. on nyayvidhan.in), the dates of the complainant's marriage, of the alleged incidents and of the undertaking, the case number and the town of the Magistrate's court are withheld. Text otherwise as issued by the Court.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.5415 OF 2026
(Arising out of SLP (Crl) No.15179 of 2026)

...Appellant

Versus

State of Maharashtra & Anr. ...Respondents

O R D E R

Leave granted.

2. The allegation by the 2nd respondent herein is one of sexual assault as indicated in Annexure P1-FIR. The First Information Statement indicates that the 2nd respondent was married on and while continuing at her marital home, she developed an acquaintance with the appellant herein who was a bus conductor. It is stated that the appellant had asked the 2nd respondent to marry him, but the 2nd respondent had cautioned him that she just merely intended a friendship and nothing more. It was then alleged that on , she was forced to go to a location on the threat levelled by the appellant that he would transmit the photographs he had on his mobile, to her husband. At the specified location, the appellant is said to have made sexual overtures outraging her modesty.

3. The appellant on the other hand submits that it was a consensual relationship and he was married in the year 2012 and even before the relationship commenced with the 2nd respondent, she too had married

Signature Not Verified
Digitally signed by VISHAL ANAND
Date: 2026.11.19 16:31:31 IST
Reason:

and had a son in the wedlock. It is also pointed out that a subsequent FIR lodged by the 2nd respondent on graver allegations was quashed. It was alleged that on , after the first FIR was lodged in 2020, the appellant had again visited the complainant's sister's house and had physical relations with her under the promise of marriage.

4. The subsequent criminal case stood quashed by the High Court of Judicature at Bombay Bench at Aurangabad by Annexure P11. It was categorically found therein that the statements of witnesses, which were part of the chargesheet, clearly indicate that the prosecutrix who is an independent adult had voluntarily entered into a romantic relationship after exercise of free and conscious choice, fully knowing the marital status of the appellant and herself. There was no reason to accept the version of the prosecutrix that she entered into the relationship on the promise of marriage.

5. We also notice the WhatsApp messages produced as Annexure P3, which indicate consensual relationship and there was a notarized undertaking executed by the appellant and the 2nd respondent on , produced as Annexure P4, wherein they agreed to end their consensual relationship.

6. The instant FIR which is sought to be quashed was far earlier in time; year 2020. Therein no allegation of physical relationship was stated. The

allegation then was that though appellant had forced her to marry him, she refused and then the appellant threatened her with photographs and attempted to outrage her modesty. Obviously, the relationship commenced in the year 2020 and continued even in the year 2025. The latter FIR, which stood quashed, was also on the ground that there was a physical relationship established.

7. We find absolutely no reason to sustain the order impugned and set it aside. We also notice that the 2nd respondent, who was issued with notice, has not appeared before us. We find that this is a clear case of abuse of process of law and we quash the chargesheet filed as RCC No. before the Judicial First Class Magistrate's Court, , produced as Annexure P2 and direct that no further steps be taken in the said proceedings.

8. The appeal is allowed.

9. Pending application(s), if any, shall stand rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI;
NOVEMBER 17, 2026.

ITEM NO.35 COURT NO.5 SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.15179/2026

[Arising out of impugned final judgment and order dated 09-04-2026 in APPLN No. 577/2026 passed by the High Court of Judicature at Bombay at Aurangabad]

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR. Respondent(s)

(IA No. 224713/2026 - EXEMPTION FROM FILING O.T. & IA No. 224712/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES)

Date : 17-11-2026 This matter was called on for hearing today.
CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :
Mr. Ravindra Keshavrao Adsure, AOR
Mr. Chandrakant Biradar, Adv.
Mr. Yash Prashant Sonavane, Adv.
Ms. Priya Rathi, Adv.
Ms. Vishwabharati Vitthal Devkhile, Adv.
For Respondent(s) :
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande- 3259, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Aditya Krishna, Adv.
Ms. Sushmita Pandey, Adv.
Ms. Arunima Das, Adv.
Mr. Ashwin Arun Hirulkar, Adv.
Ms. Kunika Bansal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. **Leave granted.**

2. **The appeal is allowed, in terms of the signed order.**

3. **Pending application(s), if any, shall stand rejected.**

(VISHAL ANAND) (POOJA SHARMA)
DEPUTY REGISTRAR COURT MASTER (NSH)
(Signed Order is placed on the file)