



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 CRIMINAL APPLICATION NO. 1700 OF 2026

Mahesh Shivaji Hivarde And Others
VERSUS
The State Of Maharashtra And Another

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Mr. Muneshwar G K, Advocate for the Applicant
Ms. Ashlesha Deshmukh, APP for the Respondent-State
Mr. S. N. Dudhate, Advocate for Respondent No.2
Mr. Akash S. Narwade, Advocate for Respondent No.3/Victim

CORAM : HITEN S. VENEGAVKAR, J.

Dated : 18th August, 2026

PER COURT :-

1. The present application is filed for quashing the First Information Report bearing Crime No. 160 of 2025 dated 24.05.2026 registered with Waluj Police Station, District Aurangabad for the offences punishable under Sections 137(2), 96 of the Bhartiya Nyaya Sanhita, 2023 and Sections 12 and 17 of the Protection of Child from Sexual Offences Act and consequential charge-sheet and the criminal case alongwith the order of taking cognizance.

2. It is the case of the prosecution that Respondent No.3, who is daughter of original complainant/respondent no.2 was found missing from the house on 23.05.2025 and the fact of she being missing from the house was noticed by the elder daughter of the present complainant. The victim was not found inspite of being searched in the nearby locality and at the time of commissioning of the offence, the victim was

17 years old. The complaint, therefore, came to be lodged for the above referred offence. The investigation proceeded and the present applicants came to be arrested in connected with the offence.

3. It is the case of the prosecution that the applicant no. 1 was acquainted with respondent no.3 and they are relatives of each other. The complaint itself discloses that there was love relationship between applicant no.1 and respondent no.3 and after respondent no.3 attained majority, applicant no.1 and respondent no.3 got married on 06.02.2026. The said marriage married has been duly registered on 27.03.2026 before the competent authority and since then, they are residing together.

4. The learned Advocate appearing for the applicants submits that applicant no.1 and respondent no.3 had appeared before the Registrar (Judicial) on 17.07.2026 and have tendered their joint purshis. The learned Registrar (Judicial) has verified the contents of the compromise terms and has also verified the fact from respondent no.3 as to whether the consent terms has been arrived at under any force and coercion. The report submitted by the learned Registrar discloses that the compromise between the parties is voluntary and applicant no.1 and respondent no.3 have amicably settled their dispute and differences and are leading peaceful matrimonial life. Paragraph No. of the compromise terms also refers that there is no objection of

respondent no.3, if the first information report and the consequential proceedings bearing Special Case No. 38 of 2026 pending on the file of the learned District Judge-1 and Additional Sessions Judge, Gangapur District Aurangabad are quashed by this Court.

5. The learned Advocate for the applicants also referred to the compromise pursis and submits that there is no fruitful purpose that can be achieved by keeping the proceedings pending against the present applicants in a situation where the matter has been amicably settled and the parties are leading peaceful life. He submitted that applicant no.1 and respondent no.3 are happily married with each other and they are cohabiting together.

6. The learned Advocate appearing for respondent no.3 admits the joint compromise and terms mentioned therein and reiterates that respondent no.3 does not wish to continue with the proceedings. The learned APP, however, opposes the application by stating that the original complainant is respondent no.2, who is father of respondent no.3, as the offence was registered when respondent no.3 was minor. In the absence of respondent no.2, the offence cannot be quashed and therefore, she prays that opportunity be given to represent before this Court.

7. I have gone through the contents of the first information report and also perused the joint compromise pursis that has been

placed before this Court. The admitted position is that when the offence was registered, respondent no.3 was seventeen and half years of age and she, on her own, has left the house of her parents. Admittedly, there was love relationship between respondent no.3 and applicant no.1. As respondent no.3 was not found in the house and in the nearby vicinity, respondent no.2, being father, had lodged the FIR under the offence mentioned in the FIR. No doubt, the offence of POCSO Act are attracted for the reason that respondent no.3, at the relevant time, was minor, but the fact is that now respondent no.3 is major and have married with applicant no.1 and the said marriage is also solemnized and duly registered with the competent authority. There is no necessity to dispute the aforesaid fact.

8. The joint compromise terms clearly shows that applicant No.1 and respondent no.3 are cohabiting happily and more importantly, the applicant no.1 and respondent no.3 are in a matrimonial relationship and are leading their future life together. In such background, merely respondent no.2 does not agree to the marriage of respondent no.3 with applicant no.1 as well as does not want to be part to the compromise will not preclude this court from quashing the proceedings. The offence was registered for the reason that respondent no.3, at the relevant time, was minor, but now, respondent no.3 is major and she has taken her own decision not to proceed with the

matter including the present criminal proceedings.

9. In view of the above and in the light of the compromise and matrimonial relationship between applicant no.1 and respondent no.3, no purpose will be served by keeping the proceedings pending. Hence, the following order:

ORDER

- (i) Criminal Application No. 1700 of 2026 stands allowed.
- (ii) The FIR bearing Crime No. 160 of 2025, dated 24.05.2026, registered with Waluj Police Station, District Aurangabad, for the offences punishable under Sections 137(2) and 96 of the Bharatiya Nyaya Sanhita, 2023, and Sections 12 and 17 of the Protection of Children from Sexual Offences Act, 2012, along with the consequential charge-sheet, consequential criminal proceedings being Special Case No. 38 of 2026 pending on the file of the learned District Judge-1 and Additional Sessions Judge, Gangapur, District Aurangabad, and the order taking cognizance, are hereby quashed and set aside.
- (iii) No order as to costs.

(HITEN S. VENEGAVKAR, J.)