



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 642 OF 2026

Shaziya Sultana Gayasuddin Shaikh,
Age : 38 Years, Occu : Doctor,
R/o. Flat No.204, Purandar Apartment,
Near Killedar Mangal Karyalaya,
Aasra Chowk, Solapur.

...PETITIONER

Versus

1. State of Maharashtra,
Through Jail Road Police Station,
Solapur.
2. Jyotsna Shankarrao Bhambiste,
Age : 37 Years,
Occu : Assistant Police Inspector,
Posted at Jail Road Police Station,
Solapur

...RESPONDENTS

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Mr. Rajvardhan Ghadge (Through V.C.), Advocate for the Petitioner.
Mr. Kumar V. Saste, Addl. PP, for the Respondent – State.
Ganesh Sugale, API, MIDC Solapur Police Station.

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**CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 15, 2026**

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith with the consent of learned counsel for the parties. Heard Mr. Ghadge, learned counsel appearing for the Petitioner, Mr. Saste, learned Addl. PP for the Respondent – State, and perused the record.

2. The learned counsel for the Petitioner submits that, inadvertently, in the prayer clause (a), the name of the Police Station has been wrongly mentioned as ***“Jail Road Police Station, Solapur”*** instead of ***“MIDC Police Station.”*** He, therefore, seeks leave to amend the prayer clause.

3. Leave to amend the prayer clause, as prayed for, is granted. Reverification is dispensed with.

4. Amendment is to be carried out forthwith.

5. The Petitioner has invoked Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, ***“BNSS”***), seeking to quash the First Information Report bearing CR No. 377 of 2026, (for short, ***“FIR”***), (dated 14th April 2026), registered with MIDC Police Station, Solapur, for the offences punishable under Sections 4, 8, 12, 17 and **21** of the Protection of Children from Sexual Offences Act, 2012 (for short, ***“POCSO Act”***); Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006; and Sections 64 and 64 (2) (i) of the Bharatiya Nyaya Sanhita, 2023 (for short, ***“BNS”***) and the charge-sheet filed pursuant to the registration of the said FIR, giving rise to Special Case No.116 of 2026, and the consequential proceedings, insofar as the present Petitioner is concerned.

6. The Petitioner is a doctor and is performing her duty at Solapur Municipal Corporation’s Jijamata Hospital (for short, ***“the hospital”***). On 28th

March 2026, the victim and her relatives visited the Hospital and approached the Petitioner for medical examination. At that time, they disclosed that the victim was 18 years old. Therefore, she examined the victim. Subsequently, on 10th April 2026, at the Petitioner's instance, the victim's relatives produced the victim's Aadhaar Card. Upon perusal thereof, the Petitioner came to know that the victim was a minor. Therefore, immediately on the same day, the Petitioner informed the concerned Police Station regarding the pregnancy of a minor victim girl with the necessary information. Pursuant to the said information, the concerned Police Officer conducted an enquiry and, after completing it, registered the FIR, as referred to above, against the Petitioner and four other persons. Hence, this Writ Petition.

7. The learned counsel for the Petitioner vehemently contended that the Petitioner has not committed any offence; however, she has been falsely implicated in the present crime. In fact, the enquiry was conducted based on an information/report given by the Petitioner herself, and the offence was registered pursuant to the said enquiry. At the time of medical examination of the victim, the victim and her relatives had disclosed the age of the victim as 18 years. Therefore, the Petitioner examined the victim. However, when the victim visited the Petitioner for the second time, the Petitioner asked her to produce her Aadhaar Card. Upon production of the Aadhaar Card, the Petitioner learned that the victim was below 18 years of

age. Accordingly, on 10th April 2026, the Petitioner immediately informed the Police. In these circumstances, it cannot be said that she was aware of the commission of the offence or had suppressed the said fact from the Police. Therefore, the learned counsel urged that the FIR and the consequential proceedings, insofar as the Petitioner is concerned, be quashed.

8. On the other hand, the learned Addl. PP strongly opposed the Petition, arguing that the Petitioner failed to report the commission of the offence immediately and, therefore, the Police has rightly implicated the Petitioner in the present crime under Section 21 of the POCSO Act. He thus submitted that the Petitioner is not entitled to the relief as sought. Hence, he urged for dismissal of the Petition.

9. Having heard the rival contentions of the learned counsel for the parties and having gone through the FIR and the record produced before the Court by the learned counsel for the Petitioner and the learned APP, at the outset, it appears that on 28th March 2026, the victim came to the Hospital for her medical examination with her relatives; at that time, the age of the victim was disclosed as 18 years. Therefore, the Petitioner examined her, as she was not aware that the victim was a minor. The Police have also recovered the said medical case papers, which indicate that, at the time of the medical examination, the victim's age was recorded as 18 years. It does not indicate that the Petitioner was aware that any offence had been committed; it merely

denotes that the Petitioner examined the victim. On 10th April 2026, the victim's relatives produced a copy of her Aadhaar Card. Upon perusal thereof, the Petitioner came to know that, at the time of medical examination, the victim was a minor. She therefore immediately informed/reported the same to the concerned Police Station. Based on the Petitioner's report, an enquiry was conducted, pursuant to which the offence was registered against the Petitioner and four other persons.

10. It is pertinent to note that, on perusal of Sections 19, 20 and 21 of the POCSO Act, prima facie, it does not appear that the Doctor is required to report the commission of the offence immediately to the concerned authority. However, Section 19 of the POCSO Act provides that if any person apprehends that an offence under the Act is likely to be committed, or knows that such an offence has been committed, that person shall inform the concerned authorities mentioned therein.

11. In the case at hand, undisputedly, on the date of first medical examination, the Petitioner was not aware of the age of the victim, as the victim had not produced any proof of her age before the Petitioner at the time of medical examination. On the contrary, the victim and her relatives had disclosed her age as 18 years. Therefore, the Petitioner examined the victim and performed her duties in good faith. Subsequently, when the relatives of the victim produced a copy of her Aadhaar Card, the Petitioner came to know

that the victim was a minor at the time of medical examination. After this doubt was aroused, the Petitioner immediately reported the said fact in writing to the concerned Police Station. Therefore, it cannot be said that the Petitioner failed to report the apprehension of the commission of an offence or that she had knowledge of the commission of the offence. Therefore, in my view, the ingredients of Section 21 of the POCSO Act that the petitioner failed to provide information to the local police that she apprehends that an offence under the Act is likely to be committed, or has knowledge that such an offence has been committed, are not prima facie attracted against the Petitioner; as such, the registration of the offence under Section 21 of the POCSO Act cannot be sustained.

12. It is to be noted that an enquiry was conducted based on the report submitted by the Petitioner, pursuant to which the offence came to be registered.

13. In the light of the above discussion and the mandate laid down in the provisions of Sections 19, 20 and 21 of the POCSO Act, I am of the opinion that the Petitioner has made out a case for the relief as sought. Therefore, it would not be appropriate to continue the proceedings against the Petitioner before the learned Trial Court. Continuing the proceedings against the Petitioner would amount to an abuse of the process of law and would not serve the ends of justice. In such an eventuality, it would be appropriate for

this Court to exercise its inherent powers to quash the FIR and the consequential proceedings insofar as they concern the Petitioner.

14. As a result, *the Petition is allowed in terms of prayer clause (a), insofar as the Petitioner is concerned.*

15. Accordingly, FIR No. 377 of 2026, dated 14th April 2026, registered with MIDC Police Station, Solapur, for the offences punishable under Sections 4, 8, 12, 17 and **21** of the Protection of Children from Sexual Offences Act, 2012; Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006; and Sections 64 and 64(2) (i) of the Bharatiya Nyaya Sanhita, 2023, along with the charge-sheet filed pursuant to the registration of the said FIR, giving rise to Special Case No.116 of 2026, and the consequential proceedings, qua the Petitioner is concerned, are hereby quashed and set aside.

16. Rule is made absolute in the above terms. No order as to costs.

17. Inform the concerned Court accordingly.

(ABHAY J. MANTRI, J.)