

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Writ Petition No. 1311 of 2014

1. Dharaji s/o. Laxman Gaikwad,
Age : 27 years,
Occupation : Agriculture.
2. Sumanbai w/o. Dharaji Gaikwad,
Age : 20 years,
Occupation : Agriculture.
3. Sheshabai w/o. Laxman Gaikwad,
Age : 57 years,
Occupation : Agriculture.
4. Laxman s/o. Tukaram Gaikwad,
Age : 62 years,
Occupation : Agriculture.
5. Dhurpata d/o. Kundalik Limbalkar,
Age : 13 years,
Occupation : Student,
Under guardianship of her father
Kundalik s/o. Kisan Limbalkar,
Age : 55 years,
Occupation : Agriculture.
6. Kundalik s/o. Kisan Limbalkar,
Age : 55 years,
Occupation : Agriculture.
7. Panchabai w/o. Kundalik Limbalkar,
Age : 50 years,
Occupation : Agriculture.

All above R/o. Daregaon,
Taluka : Aundha (N),
District : Hingoli.

.. Petitioners.

versus

The State of Maharashtra,
Through Police Station, Aundha
Nagnath, District : Hingoli.

.. Respondent.

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Mr. Anilkumar B. Dhongade, Advocate, for the petitioners.

*Mr. S.G. Nandedkar, Additional Public Prosecutor, for
the respondent - State.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 29TH JANUARY 2015

COURT'S ORDER (Per S.S. Shinde, J.) :

1. Heard Adv. Mr. A.B. Dhongade for the petitioners, and learned APP Mr. S.G. Nandedkar for the respondent - State.
2. Perused the pleadings and grounds in the petition, annexures to the petition and the allegations made in both the complaints. So far as FIR No. 68/2014 is concerned, same is registered by one Kum. Dhurpata Kundlik Limbalkar, aged 13 years, making allegations of sexual harrassment, and the another FIR bearing No. 66/2014 is registered by one Dharaji @ Bandu Laxman Gaikwad, wherein allegations of forcible administration of poison has been mentioned.
3. The accused in FIR No. 66/2014 and also in FIR No. 68/2014

had earlier filed applications for quashing the FIRs. However, both the applications were dismissed as withdrawn by order of this court dated 19th September 2014. Present application is filed on the ground that the parties have amicably settled the controversy.

4. Upon considering the material placed on record, and in particular, the age of the complainant, namely, Kum. Dhurpata, the offence alleged is covered under the Protection of Children from Sexual Offences Act, 2012, which is special enactment. Therefore, in our opinion, in view of the ratio laid down by the Hon'ble Apex Court, in the case of ***Gian Singh Vs. State of Punjab and another***, reported in ***(2012) 10 Supreme Court Cases 303***, and in particular, para 61 of the judgment, it is not possible to accept the prayer of the petitioners to quash the FIR on the basis of settlement arrived between the parties.

5. In that view of the matter, the petition is dismissed.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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