

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 1303 OF 2015**

Anupam B. Shrivastav.

..Applicant.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Vinod Kashid for the Applicant.

Mr. A. H. Ponda for Respondent No. 2.

Mrs. M. M. Deshmukh, learned APP for the State.

Coram : RANJIT MORE &  
V. L. ACHLIYA, JJ.

Date : **December 10, 2015.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this application under section 482 of the Code of Criminal Procedure, 1973, the Applicant is seeking to quash the proceedings of Special Case No.196 of 2015 pending against him on the file of Special Judge (under POSCO Act) at Thane. The said case has arisen from the FIR / CR registered against the Applicant with Kapur Bawdi Police Station, being CR. No. I-214 of 2015 wherein the allegations levelled against the Applicant are concerning the offence punishable under section 354A of the Indian Penal Code, 1860 read with sections 7 and 8 of the Protection of Children of Sexual Offences Act, 2012. Quashment of the subject FIR is sought by consent of original complainant-Respondent No. 2 herein.

2. When we expressed the view that we are are not inclined to exercise our jurisdiction to quash the proceedings though there is consent by Respondent No.2 for quashment, as the offences covered by the POSCO Act are heinous and are against the society, learned counsel for the Applicant sought leave to withdraw the instant application and requested to expedite the trial of the subject special case.

3. Mr. Ponda, the learned Counsel appearing for the Respondent No.2 submitted that Respondent No.2 has been advised by her elders to pursue her higher studies and she has therefore decided to permanently shift to her native place at Mavelikara, Alleppey District, Kerala State. He submitted that pendency of the subject special case will adversely affect Respondent No.2.

4. In above circumstances, we dispose of the application by passing following order :

**-: O R D E R :-**

- 1] Leave to withdraw the application is granted. Application is dismissed as withdrawn.
- 2] The Special Judge (under POSCO Act), Thane to whom Special Case No. 196 of 2015 is assigned, shall

- (i) frame the charge in the said case as early as possible and at any rate by the second week of January 2016.
- (ii) dispose of the said case as expeditiously as possible and preferably within 3 months from the date of framing of charge.
- (iii) ensure that the deposition of Respondent No.2 herein is recorded before 31<sup>st</sup> January 2016 and also ensure that no inconvenience or hardship is caused to her.

**[V. L. ACHLIYA, J.]**

**[RANJIT MORE, J.]**