

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 2795 OF 2016**

Bhavani Kannan

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. S.Balakrishnan , Mr. Sagar, Mr. Ganpat Talekar for the Petitioner  
Mr. K.V.Saste, APP for the Respondent No.1.  
Mr.K.G.Rikame for the Respondent No.2.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.  
DATED : 11TH JANUARY, 2017**

**P.C.**

1. Heard the learned Counsel appearing the petitioner and the learned Counsel appearing for the second respondent. The chargesheet has been already filed against the petitioner for the offences punishable under Section 324 of Indian Penal Code and Section 23 of the Juvenile Justice Act.
2. The prayer for quashing is made on the basis of the consent of the second respondent who is the first informant. The second

respondent has filed affidavit dated 18<sup>th</sup> August, 2016 recording his consent for quashing the proceedings.

3. The victim of the offence is the 9 years old child of the second respondent. The victim of the offence, by virtue of the fact of being minor is incapable of giving any consent or incapable of entering into any settlement. Therefore, the prayer for quashing the criminal proceeding cannot be accepted on the basis of the so called compromise between the petitioner accused and the father of the victim. Therefore, we decline to entertain this petition for quashing, which is filed only on the ground of so called settlement. The petition is accordingly rejected. However, this order will not prevent the petitioner from making an application for discharge before the concerned Court. All contentions on merits are kept open.

**(ANUJA PRABHUDESSAI, J.)**

**(A.S.OKA, J.)**