

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1395 OF 2016

Shri Vikas Dayaram Jaiswal and anr.Applicants
Versus
The State of Maharashtra and anr.Respondents

Ms. Pranothi B. Pawar, advocate for the applicants.
Mr. F. R. Shaikh, APP for the State.
Mr. R. P. Thakkar i/b. Ms. Mallika Ingale, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-
JOSHI, J J.**

DATE : 28th NOVEMBER, 2017.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The application is filed for quashing the FIR bearing CR No. 563 of 2016 registered with Borivali Police Station. The said FIR is registered at the instance of the respondent No.2 for the offences punishable under Sections 376, 406, 420 and 34 of the Indian Penal Code, 1860 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. We have gone through the FIR, a copy of which is annexed at page 39. The FIR does disclose the allegation that under promise of performing marriage, the applicant had sexual intercourse with the respondent No.2 who was minor against her consent. The FIR, therefore, discloses commission of cognizable offence and, we are, therefore, not inclined to entertain the petition. The writ petition is, accordingly, dismissed.

4. The ad-interim relief, granted by an order dated 11th January, 2017 and which was continued from time to time, stands vacated.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]