

**THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1414 OF 2016

Javed Ahmed Shaikh

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Tausif Ansari for the Applicant

Mrs. S.V.Sonawane, APP for the Respondent No.1.

Mr.M.G.Ansari for the Respondent No.2.

CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.

DATED : 2ND FEBRUARY, 2017

P.C.

1. Heard the learned Counsel appearing for the applicant and the learned Counsel appearing for the Second respondent, who is the first informant. The prayer in this application under Section 482 of the Code of Criminal procedure is for quashing the First Information Report alleging commission of offence under Section 354 of Indian Penal Code read with Section 12 of Protection of Children from Sexual Offence Act, 2012. The prayer for quashing is made only on

the ground of settlement between the petitioner and the second respondent. The second respondent who is the first informant is the mother of the victim of the incident. The second respondent has filed an affidavit consenting to the quashing of the First Information Report.

2. Admittedly, the victim girl of the offence is a minor and therefore she is incapable of giving any consent.

3. Therefore, only on the basis of no objection given by the second respondent-mother, the prayer for quashing the First Information Report on the ground of settlement cannot be entertained. Only on this ground, we decline to entertain this application under Section 482 of the Code of Criminal Procedure, 1973 and the same is rejected. However, we make it clear that no adjudication is made on merits.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)