

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.193/2017

Mohan s/o Vishnupant Mugal ..vs.. The State of Maharashtra, thr. Office incharge of
Police Station, Umred, Tq. Umred, Dist. Nagpur and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. H. R. Gadhia, Advocate for applicant.
Mr. V. A. Thakare, A.P.P. for non applicant no.1.
Mr. P. Raghute, Advocate for non applicant no.2.

CORAM : B. P. DHARMADHIKARI AND
V.M. DESHPANDE, JJ.
DATED : APRIL 25, 2017

Heard.

Perused the FIR under Section 354 A(2) of the Indian Penal Code and Section 10 of the Prevention of Children from Sexual Offences Act, 2012. The victim was of 10 years at the time of incident. Now, she is of 13 years. The compromise entered into with her and her father on one hand and the present accused on the other hand, is produced before us with a prayer to quash and set aside the FIR and other consequential proceedings.

Section 10 of the POCSO Act impliedly refers to Section 7, which contemplates a particular type of intent. Section 30 of the Act provides for a presumption against the accused and the presumption can be discharged by him by producing the evidence of a rigorous standard i.e. beyond reasonable doubt. This

provision read with Section 29 therefore shows the rigor of the POCSO Act, 2012.

Perusal of the compromise deed itself shows that the effort is to avoid prosecution. The victim girl is taking education in the same school.

In this situation, keeping in mind the object of the POCSO Act, we are not inclined to entertain the present application in the extra ordinary jurisdiction. The application is, therefore, rejected.

JUDGE

JUDGE