

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

CRIMINAL WRIT PETITION NO.16 OF 2018

Pratik Milind Shevre

.... Petitioner

versus

The State of Maharashtra & Ors.

... Respondents

.....

- Mr.Yugal Bhatia, i/b. Ms. Kalpana R. Trivedi, Advocate for the Petitioner.
- Mrs.A.S. Pai, APP for the State/Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 13th APRIL, 2018.**

P.C. :

1. Leave to amend is granted so as to incorporate the prayer clause (aa) for quashing the charge-sheet. Amendment to be carried forthwith.
2. The above Writ Petition has been filed for quashing of the FIR being No.410/2017 registered with Dahisar Police Station, u/s 354 of the Indian Penal Code r/w Section 12 of the

Protection of Children from Sexual Offences Act, 2012 (For short POCSO) r/w section 66(E) of the Information Technology Act.

3. However, the factual position has transcended the said stage inasmuch as the charge-sheet has now been filed before the concerned Special Court. The Petitioner herein has been arraigned as an accused, insofar as the said offences are concerned. The allegations against the Petitioner are as regards the uploading of his pictures along with the victim girl on the social media site, wherein the Petitioner and the victim girl are shown in different poses. The first informant Mrs.Riddhi Rajan Jadhav, is the mother of the victim girl. She has lodged the FIR on the basis of what has been told to her by her husband, who has seen the pictures on 'WhatsApp'.

4. It seems that pursuant to the registering of the offence the Petitioner was arrested and incarcerated for some time and was released on bail. The Petitioner today is around 19 years of

age. The victim girl is around 16 years of age. The victim girl has admitted to her parents that she was knowing the Petitioner over some time. It appears that the relationship developed between the Petitioner and the victim girl, during which relationship, the Petitioner has taken the photographs and uploaded the same on 'WhatsApp' and the said photographs thereafter went viral.

5. Prima facie, having regard to the ages of the Petitioner and the victim girl, we find that this is case of infatuation on either side. It cannot be said that the Petitioner had any ill intention or motive of exploiting the victim girl. Undertone of the above Petition filed by the first informant i.e. Mrs. Riddhi Rajan Jadhav, is that she does not want to proceed with the case in question and therefore the FIR and the charge-sheet be quashed on the said basis.

6. We, to satisfy ourselves as regards the said claim had interacted with the first informant Mrs. Riddhi Rajan Jadhav and

the victim girl in our chamber at 05.00 p.m. During the course of the interaction, the first informant informed us that though she had lodged the FIR, now on hindsight she feels it would not be in the interest of the victim girl to pursue the FIR. We also put a few queries to the victim girl, who informed us that she has now no complaint against the Petitioner and that she also does not want to proceed with the case in question.

7. Hence after our interaction with the first informant and the victim girl, as also having regard to the respective ages of the Petitioner and the victim girl and having regard to the fact that they are presently pursuing their studies and want to pursue careers of their choice after they complete their studies, we are of the view that the pendency of the FIR would unnecessarily create hurdles in their respective lives. We can imagine what the Petitioner must have undergone during his incarceration for the offences alleged against him. We are of the view that both, the Petitioner and the victim girl, should be given an opportunity to start life afresh after forgetting what has

happened in the past. Though one of the offence alleged against the Petitioner is one u/s 12 of the POCSO, in respect of which offences we would be slow in exercising our writ jurisdiction for purpose of quashing, in the facts and circumstances of the present case, we would be failing in our duty if we do not interdict in the matter at this stage.

8. The first informant Mrs.Riddhi Jadhav is once again present before us today. She reiterates what she has stated before us in the Chamber, that she does not desire to proceed with the case in question.

9. In the light of the aforesaid is required to be allowed and Petition is accordingly allowed and made absolute in terms of prayer clause (aa).

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)